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11 Attorneys for Plaintiffs

12

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15

16	LONGITUDE LICENSING LTD., and	)	Case No. 3:14-cv-4275
17	LONGITUDE FLASH MEMORY	)	
18	SYSTEMS S.A.R.L.,	)	<b>SECOND AMENDED COMPLAINT FOR</b>
19		)	<b>PATENT INFRINGEMENT</b>
20	Plaintiffs,	)	
21		)	
22	v.	)	
23		)	<b>DEMAND FOR JURY TRIAL</b>
24	APPLE INC.,	)	
25		)	
26	Defendant.	)	
27		)	
28		)	

23

24 **PUBLIC VERSION - REDACTED**

25

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1 Plaintiffs Longitude Licensing Ltd. and Longitude Flash Memory Systems S.a.r.l.  
2 (collectively “Longitude”) by and through their attorneys, allege as follows:

3 **PARTIES**

4 1. Plaintiff Longitude Licensing Ltd. is a company duly organized and existing under  
5 the laws of the Republic of Ireland, having a principal place of business at First Floor, Europa  
6 House, Harcourt Centre, Harcourt Street, Dublin 2, Republic of Ireland. Plaintiff Longitude Flash  
7 Memory Systems S.a.r.l. is a company duly organized and existing under the laws of the Grand  
8 Duchy of Luxembourg, having a principal place of business at 208, Val des Bons Malades, L-2121  
9 Luxembourg, Grand Duchy of Luxembourg.

10 2. Defendant Apple Inc. (“Apple”), purports to be a corporation duly organized and  
11 existing under the laws of the State of California, having a principal place of business at 1 Infinite  
12 Loop, Cupertino, CA 95014.

13 **JURISDICTION**

14 3. This is an action arising under the patent laws of the United States. Accordingly this  
15 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16 4. This Court has personal jurisdiction over Apple because Apple’s principal place of  
17 business is within the Northern District of California, and Apple has committed and continues to  
18 commit acts of infringement in violation of 35 U.S.C. § 271, including by placing infringing  
19 products into the stream of commerce, with the knowledge or understanding that such products are  
20 sold in the State of California, including the Northern District of California.

21 **VENUE**

22 5. Venue is proper in the Northern District of California under 28 U.S.C. §§ 1391 and  
23 1400(b) because Apple’s principal place of business is in this district and it transacts business within  
24 this district, including by offering for sale in this district products that infringe Longitude’s patents.  
25 Additionally, Longitude has suffered harm in this district due to Apple’s infringement of its patents.

26 **INTRADISTRICT ASSIGNMENT**

27 6. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district-  
28 wide-basis.

**BACKGROUND**

1  
2 7. Longitude Licensing Ltd. is a privately owned intellectual property management  
3 company that specializes in maximizing the value of patented intellectual property. Founded in July  
4 2013, Longitude Licensing Ltd. and its affiliated companies own and manage portfolios totaling  
5 more than 6,500 semiconductor and storage solution patents and patent applications.

6 8. Longitude Licensing Ltd. operates by partnering with patent owners to manage and  
7 license patent portfolios. Affiliate Longitude Flash Memory Systems S.a.r.l. acquired from SanDisk  
8 Corporation (“SanDisk”) a portfolio of patents, including the Patents-in-Suit, relating to flash  
9 memory systems. Longitude Licensing Ltd. is the exclusive licensee from its affiliated company of  
10 this SanDisk patent portfolio, with all rights to enforce the Patents-in-Suit.

11 9. Through its focus on innovation and developing cutting-edge technological solutions  
12 for the storage needs of its customers, SanDisk has established itself as the leading company in the  
13 flash memory industry. SanDisk is the worldwide market leader in flash memory products.  
14 SanDisk’s diverse product portfolio includes flash memory cards and embedded solutions used in  
15 smart phones, tablets, digital cameras, camcorders, digital media players and other consumer  
16 electronic devices, as well as USB flash drives and solid-state drives (“SSDs”) for the computing  
17 market. SanDisk’s products are used by consumers and enterprise customers around the world.

18 10. Since 1988, SanDisk’s innovations in flash memory and storage system technologies  
19 have provided customers with new and transformational digital experiences. Throughout its history,  
20 SanDisk has pioneered the use of flash memory technology. In 1991, SanDisk (then called  
21 “SunDisk”) began shipping the world’s first flash-based SSD, more than a decade before flash SSDs  
22 were widely used. Similarly, in 1999 SanDisk introduced the first high volume memory with Multi-  
23 Level Cell (“MLC”) technology which doubled the amount of data stored in each memory cell. In  
24 2013, SanDisk celebrated its 25<sup>th</sup> anniversary and a quarter century of innovation, research and  
25 development in flash memory.

26 11. SanDisk’s commitment to innovation continues through its investment in new  
27 technology and products. For the fiscal year of 2013, SanDisk’s investment in research and  
28 development exceeded \$700 million. Of SanDisk’s 5,459 employees, nearly half—2,487

1 employees—are dedicated to research and development of new technologies and products.

2 12. SanDisk’s success at innovation continues to be recognized by the industry. In 2013,  
3 SanDisk was recognized by Thomson Reuters for the third year in a row as a “Top 100 Global  
4 Innovator” for its role as a global leader in flash memory storage solutions. In 2012 and 2013,  
5 SanDisk was recognized by IEEE Spectrum magazine as a top company with “Patent Power” in the  
6 semiconductor manufacturing field.

7 13. SanDisk’s investment in memory technology has also yielded an extensive patent  
8 portfolio. At the end of the 2013 fiscal year, SanDisk’s investment in memory technology had  
9 generated a portfolio of more than 2,600 U.S. Patents. And SanDisk holds more than 4,900 patents  
10 worldwide. SanDisk’s patent portfolio has been licensed by several leading semiconductor  
11 companies and other companies in the flash memory business. In early 2014, SanDisk reached a  
12 milestone of recognizing over \$4 billion in cumulative licensing and royalty revenue.

13 14. Through its licensing activities SanDisk enables companies to benefit from the  
14 hundreds of millions of dollars the company annually spends on research and development.  
15 SanDisk’s license agreements provide licensees the right to make, use and sell products that  
16 incorporate SanDisk’s patented technology. SanDisk’s licensing agreements also assure that  
17 SanDisk receives a fair return on its investment in research and development. SanDisk uses these  
18 royalties to fund further research and development in flash memory technology and systems, and  
19 thus continue to contribute to the flash memory industry that SanDisk pioneered.

20 15. SanDisk further continues to encourage innovation through its launch of SanDisk  
21 Ventures. SanDisk Ventures invests in early- to mid-stage companies that demonstrate innovative  
22 flash memory solutions, and strong intellectual property and management teams. SanDisk Ventures  
23 has invested over \$75 million in at least five companies working on promising technologies.

24 **THE PATENTS**

25 16. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
26 enforce U.S. Patent No. 6,763,424 (“the ’424 Patent”), entitled “Partial Block Data Programming  
27 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
28 for all past, present, and future infringements of the ’424 Patent. The ’424 Patent was duly and

1 legally issued by the United States Patent and Trademark Office on July 13, 2004. A true and  
2 correct copy of the '424 Patent is attached as Exhibit 1.

3 17. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
4 enforce U.S. Patent No. 7,970,987 (“the '987 Patent”), entitled “Partial Block Data Programming  
5 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
6 for all past, present, and future infringements of the '987 Patent. The '987 Patent was duly and  
7 legally issued by the United States Patent and Trademark Office on June 28, 2011. A true and  
8 correct copy of the '987 Patent is attached as Exhibit 2.

9 18. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
10 enforce U.S. Patent No. 8,316,177 (“the '177 Patent”), entitled “Partial Block Data Programming  
11 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
12 for all past, present, and future infringements of the '177 Patent. The '177 Patent was duly and  
13 legally issued by the United States Patent and Trademark Office on November 20, 2012. A true and  
14 correct copy of the '177 Patent is attached as Exhibit 3.

15 19. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
16 enforce U.S. Patent No. 6,968,421 (“the '421 Patent”), entitled “Partial Block Data Programming  
17 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
18 for all past, present, and future infringements of the '421 Patent. The '421 Patent was duly and  
19 legally issued by the United States Patent and Trademark Office on November 2, 2005. A true and  
20 correct copy of the '421 Patent is attached as Exhibit 4.

21 20. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
22 enforce U.S. Patent No. 7,657,702 (“the '702 Patent”), entitled “Partial Block Data Programming  
23 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
24 for all past, present, and future infringements of the '702 Patent. The '702 Patent was duly and  
25 legally issued by the United States Patent and Trademark Office on February 2, 2010. A true and  
26 correct copy of the '702 Patent is attached as Exhibit 5.

27 21. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
28 enforce U.S. Patent No. 7,818,490 (“the '490 Patent”), entitled “Partial Block Data Programming

1 and Reading Operations in a Non-Volatile Memory,” and has full rights to sue and recover damages  
2 for all past, present, and future infringements of the ’490 Patent. The ’490 Patent was duly and  
3 legally issued by the United States Patent and Trademark Office on October 19, 2010. A true and  
4 correct copy of the ’490 Patent is attached as Exhibit 6.

5 22. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
6 enforce U.S. Patent No. 7,012,835 (“the ’835 Patent”), entitled “Flash Memory Data Correction and  
7 Scrub Technique,” and has full rights to sue and recover damages for all past, present, and future  
8 infringements of the ’835 Patent. The ’835 Patent was duly and legally issued by the United States  
9 Patent and Trademark Office on March 14, 2006. A true and correct copy of the ’835 Patent is  
10 attached as Exhibit 7.

11 23. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
12 enforce U.S. Patent No. 7,224,607 (“the ’607 Patent”), entitled “Flash Memory Data Correction and  
13 Scrub Technique,” and has full rights to sue and recover damages for all past, present, and future  
14 infringements of the ’607 Patent. The ’607 Patent was duly and legally issued by the United States  
15 Patent and Trademark Office on May 29, 2007. A true and correct copy of the ’607 Patent is  
16 attached as Exhibit 8.

17 24. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
18 enforce U.S. Patent No. 8,050,095 (“the ’095 Patent”), entitled “Flash Memory Data Correction and  
19 Scrub Techniques,” and has full rights to sue and recover damages for all past, present, and future  
20 infringements of the ’095 Patent. The ’095 Patent was duly and legally issued by the United States  
21 Patent and Trademark Office on November 1, 2011. A true and correct copy of the ’095 Patent is  
22 attached as Exhibit 9.

23 25. Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
24 enforce U.S. Patent No. 6,510,488 (“the ’488 Patent”), entitled “Method for Fast Wake-up of a Flash  
25 Memory System,” and has full rights to sue and recover damages for all past, present, and future  
26 infringements of the ’488 Patent. The ’488 Patent was duly and legally issued by the United States  
27 Patent and Trademark Office on January 21, 2003. A true and correct copy of the ’488 Patent is  
28 attached as Exhibit 10.

1           26.     Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
2 enforce U.S. Patent No. 7,181,611 (“the ’611 Patent”), entitled “Power Management Block for Use  
3 in a Non-Volatile Memory System,” and has full rights to sue and recover damages for all past,  
4 present, and future infringements of the ’611 Patent. The ’611 Patent was duly and legally issued by  
5 the United States Patent and Trademark Office on February 20, 2007. A true and correct copy of the  
6 ’611 Patent is attached as Exhibit 11.

7           27.     Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
8 enforce U.S. Patent No. 6,831,865 (“the ’865 Patent”), entitled “Maintaining Erase Counts in Non-  
9 Volatile Storage System,” and has full rights to sue and recover damages for all past, present, and  
10 future infringements of the ’865 Patent. The ’865 Patent was duly and legally issued by the United  
11 States Patent and Trademark Office on December 14, 2004. A true and correct copy of the  
12 ’865 Patent is attached as Exhibit 12.

13           28.     Longitude Licensing Ltd. is the exclusive licensee and the owner of all rights to  
14 enforce U.S. Patent No. 7,120,729 (“the ’729 Patent”), entitled “Automated Wear Leveling in Non-  
15 Volatile Storage Systems,” and has full rights to sue and recover damages for all past, present, and  
16 future infringements of the ’729 Patent. The ’729 Patent was duly and legally issued by the United  
17 States Patent and Trademark Office on October 10, 2006. A true and correct copy of the ’729 Patent  
18 is attached as Exhibit 13. The ’424 Patent, ’987 Patent, ’177 Patent, ’421 Patent, ’702 Patent, ’490  
19 Patent, ’835 Patent, ’607 Patent, ’095 Patent, ’488 Patent, ’611 Patent, ’865 Patent, and ’729 Patent  
20 are collectively referred to as the “Patents-in-Suit.”

21           29.     The Patents-in-Suit are directed to flash memory systems and various aspects of  
22 operating and managing flash memory systems.

### 23                           **APPLE’S KNOWLEDGE OF THE PATENTS-IN-SUIT**

24           30.     SanDisk has generated an extensive, industry-recognized patent portfolio that covers  
25 many aspects of flash memory systems, including the Patents-in-Suit used by Apple and  
26 incorporated by Apple into the Accused Products (see below). SanDisk’s contribution to flash  
27 memory systems and its associated patent portfolio has been very well-known within the electronics  
28 industry, including the Patents-in-Suit. Furthermore, the Patents-in-Suit have played a central role in

1 SanDisk’s widely known patent licensing and enforcement program for flash memory systems.

2 [REDACTED]  
3 [REDACTED]

4 [REDACTED]	5 [REDACTED]
6 [REDACTED]	7 [REDACTED]

8  
9 [REDACTED]  
10 [REDACTED]

11 [REDACTED]	12 [REDACTED]	13 [REDACTED]
14 [REDACTED]	15 [REDACTED]	16 [REDACTED]
17 [REDACTED]	18 [REDACTED]	19 [REDACTED]
20 [REDACTED]	21 [REDACTED]	22 [REDACTED]
23 [REDACTED]	24 [REDACTED]	25 [REDACTED]

26 32. Apple acted despite an objectively high likelihood that its actions constituted  
27 infringement of a valid patent. Thus, Apple’s infringement has been willful. Regardless, Apple had  
28 knowledge of the Patents-in-Suit at least as early as the filing of original Complaint in this litigation  
on September 23, 2014.



**FIRST COUNT**  
**(Infringement of the '424 Patent)**

1  
2  
3       33.     Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
4 though fully restated herein.

5       34.     Apple has infringed and continues to infringe one or more of the claims of the  
6 '424 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
7 the United States, and/or by importing into the United States, without authority, products using flash  
8 memory systems, including but not limited to the Apple iPad, Apple iPad 2, Apple iPad (3rd  
9 Generation), Apple iPad (4th Generation), Apple iPad Air, Apple iPad Air 2, Apple iPad mini, Apple  
10 iPad mini with Retina display, iPad mini 3, Apple iPhone 3G, Apple iPhone 3GS, Apple iPhone 4,  
11 Apple iPhone 4S, Apple iPhone 5, Apple iPhone 5C, Apple iPhone 5S, iPhone 6, iPhone 6 Plus,  
12 iPod Touch 2G, iPod Touch 3G, iPod Touch 4G, and iPod Touch 5G (hereafter the "Accused  
13 Products"), that are covered by one or more claims of the '424 Patent.

14       35.     Apple is and has been inducing customers and users of the Accused Products to  
15 directly infringe one or more of the claims of the '424 Patent in violation of 35 U.S.C. § 271(b) by  
16 selling, importing into the United States, and/or distributing operating system updates to the Accused  
17 Products without authority. With knowledge of the '424 Patent, Apple designs the Accused  
18 Products and develops and/or controls the operating system and flash memory systems that are and  
19 have been included in the Accused Products. Additionally, with knowledge of the '424 Patent,  
20 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
21 encouraging customers and users to update the operating system on the Accused Products. The  
22 operating systems and flash memory systems included with the Accused Products, and the operating  
23 system updates provided by Apple, necessarily infringe one or more claims of the '424 Patent by  
24 managing the flash memory systems included with the Accused Products when the Accused  
25 Products are used by Apple's customers and users and/or an operating system update is installed.  
26 Apple has knowingly caused customers and users to directly infringe one or more claims of the '424  
27 Patent with the specific intent that customers infringe the '424 Patent because Apple is aware that  
28 use of the Accused Products and/or installing an operating system update distributed by Apple for

1 the Accused Products necessarily infringes one or more claims of the '424 Patent and has been and  
2 is continuing to sell and/or import the Accused Products in the United States.

3 36. Apple is and has been contributing to the infringement of one or more of the claims of  
4 the '424 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
5 into the United States, and/or distributing operating system updates to the Accused Products without  
6 authority. With knowledge of the '424 Patent, Apple designs the Accused Products and develops  
7 and/or controls the operating systems and flash memory systems that are and have been included in  
8 the Accused Products. Additionally, with knowledge of the '424 Patent, Apple distributes operating  
9 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
10 update operating systems on the Accused Products. The operating systems and flash memory  
11 systems included in the Accused Products control the operation of the incorporated flash memory  
12 systems in a manner that meets all claim limitations of one or more claims of the '424 Patent and  
13 consequently are a material part of the invention claimed by the '424 Patent. Apple has and had  
14 knowledge that the Accused Products are especially made and adapted for infringement of the '424  
15 Patent because Apple is aware of the '424 Patent and that its customers and users necessarily directly  
16 infringe one or more claims of the '424 Patent when using and/or installing operating system updates  
17 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
18 customers and users necessarily directly infringe the '424 Patent when the Accused Products are  
19 used and/or an operating system update is installed on the Accused Products.

20 37. Upon information and belief, Apple will continue to directly infringe, induce  
21 infringement and/or contribute to the infringement of the '424 Patent.

22 38. Apple's acts of infringement have caused damage to Longitude and Longitude is  
23 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
24 acts in an amount subject to proof at trial.

25 **SECOND COUNT**  
26 **(Infringement of the '987 Patent)**

27 39. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
28 though fully restated herein.

1           40.     Apple has infringed and continues to infringe one or more of the claims of the  
2 '987 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
3 the United States, and/or by importing into the United States, without authority, products using flash  
4 memory systems, including but not limited to the Accused Products, that are covered by one or more  
5 claims of the '987 Patent.

6           41.     Apple is and has been inducing customers and users of the Accused Products to  
7 directly infringe one or more of the claims of the '987 Patent in violation of 35 U.S.C. § 271(b) by  
8 selling, importing into the United States, and/or distributing operating system updates to the Accused  
9 Products without authority. With knowledge of the '987 Patent, Apple designs the Accused  
10 Products and develops and/or controls the operating system and flash memory systems that are and  
11 have been included in the Accused Products. Additionally, with knowledge of the '987 Patent,  
12 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
13 encouraging customers and users to update the operating system on the Accused Products. The  
14 operating systems and flash memory systems included with the Accused Products, and the operating  
15 system updates provided by Apple, necessarily infringe one or more claims of the '987 Patent by  
16 managing the flash memory systems included with the Accused Products when the Accused  
17 Products are used by Apple's customers and users and/or an operating system update is installed.  
18 Apple has knowingly caused customers and users to directly infringe one or more claims of the '987  
19 Patent with the specific intent that customers infringe the '987 Patent because Apple is aware that  
20 use of the Accused Products and/or installing an operating system update distributed by Apple for  
21 the Accused Products necessarily infringes one or more claims of the '987 Patent and has been and  
22 is continuing to sell and/or import the Accused Products in the United States.

23           42.     Apple is and has been contributing to the infringement of one or more of the claims of  
24 the '987 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
25 into the United States, and/or distributing operating system updates to the Accused Products without  
26 authority. With knowledge of the '987 Patent, Apple designs the Accused Products and develops  
27 and/or controls the operating systems and flash memory systems that are and have been included in  
28 the Accused Products. Additionally, with knowledge of the '987 Patent, Apple distributes operating

1 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
2 update operating systems on the Accused Products. The operating systems and flash memory  
3 systems included in the Accused Products control the operation of the incorporated flash memory  
4 systems in a manner that meets all claim limitations of one or more claims of the '987 Patent and  
5 consequently are a material part of the invention claimed by the '987 Patent. Apple has and had  
6 knowledge that the Accused Products are especially made and adapted for infringement of the '987  
7 Patent because Apple is aware of the '987 Patent and that its customers and users necessarily directly  
8 infringe one or more claims of the '987 Patent when using and/or installing operating system updates  
9 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
10 customers and users necessarily directly infringe the '987 Patent when the Accused Products are  
11 used and/or an operating system update is installed on the Accused Products.

12 43. Upon information and belief, Apple will continue to directly infringe, induce  
13 infringement and/or contribute to the infringement of the '987 Patent.

14 44. Apple's acts of infringement have caused damage to Longitude and Longitude is  
15 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
16 acts in an amount subject to proof at trial.

17 **THIRD COUNT**  
18 **(Infringement of the '177 Patent)**

19 45. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
20 though fully restated herein.

21 46. Apple has infringed and continues to infringe one or more of the claims of the  
22 '177 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
23 the United States, and/or by importing into the United States, without authority, products using flash  
24 memory systems, including but not limited to the Accused Products, that are covered by one or more  
25 claims of the '177 Patent.

26 47. Apple is and has been inducing customers and users of the Accused Products to  
27 directly infringe one or more of the claims of the '177 Patent in violation of 35 U.S.C. § 271(b) by  
28 selling, importing into the United States, and/or distributing operating system updates to the Accused

1 Products without authority. With knowledge of the '177 Patent, Apple designs the Accused  
2 Products and develops and/or controls the operating system and flash memory systems that are and  
3 have been included in the Accused Products. Additionally, with knowledge of the '177 Patent,  
4 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
5 encouraging customers and users to update the operating system on the Accused Products. The  
6 operating systems and flash memory systems included with the Accused Products, and the operating  
7 system updates provided by Apple, necessarily infringe one or more claims of the '177 Patent by  
8 managing the flash memory systems included with the Accused Products when the Accused  
9 Products are used by Apple's customers and users and/or an operating system update is installed.  
10 Apple has knowingly caused customers and users to directly infringe one or more claims of the '177  
11 Patent with the specific intent that customers infringe the '177 Patent because Apple is aware that  
12 use of the Accused Products and/or installing an operating system update distributed by Apple for  
13 the Accused Products necessarily infringes one or more claims of the '177 Patent and has been and  
14 is continuing to sell and/or import the Accused Products in the United States.

15 48. Apple is and has been contributing to the infringement of one or more of the claims of  
16 the '177 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
17 into the United States, and/or distributing operating system updates to the Accused Products without  
18 authority. With knowledge of the '177 Patent, Apple designs the Accused Products and develops  
19 and/or controls the operating systems and flash memory systems that are and have been included in  
20 the Accused Products. Additionally, with knowledge of the '177 Patent, Apple distributes operating  
21 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
22 update operating systems on the Accused Products. The operating systems and flash memory  
23 systems included in the Accused Products control the operation of the incorporated flash memory  
24 systems in a manner that meets all claim limitations of one or more claims of the '177 Patent and  
25 consequently are a material part of the invention claimed by the '177 Patent. Apple has and had  
26 knowledge that the Accused Products are especially made and adapted for infringement of the '177  
27 Patent because Apple is aware of the '177 Patent and that its customers and users necessarily directly  
28 infringe one or more claims of the '177 Patent when using and/or installing operating system updates

1 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
2 customers and users necessarily directly infringe the '177 Patent when the Accused Products are  
3 used and/or an operating system update is installed on the Accused Products.

4 49. Upon information and belief, Apple will continue to directly infringe, induce  
5 infringement and/or contribute to the infringement of the '177 Patent.

6 50. Apple's acts of infringement have caused damage to Longitude and Longitude is  
7 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
8 acts in an amount subject to proof at trial.

9 **FOURTH COUNT**  
10 **(Infringement of the '421 Patent)**

11 51. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
12 though fully restated herein.

13 52. Apple has infringed and continues to infringe one or more of the claims of the  
14 '421 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
15 the United States, and/or by importing into the United States, without authority, products using flash  
16 memory systems, including but not limited to the Accused Products, that are covered by one or more  
17 claims of the '421 Patent.

18 53. Apple is and has been inducing customers and users of the Accused Products to  
19 directly infringe one or more of the claims of the '421 Patent in violation of 35 U.S.C. § 271(b) by  
20 selling, importing into the United States, and/or distributing operating system updates to the Accused  
21 Products without authority. With knowledge of the '421 Patent, Apple designs the Accused  
22 Products and develops and/or controls the operating system and flash memory systems that are and  
23 have been included in the Accused Products. Additionally, with knowledge of the '421 Patent,  
24 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
25 encouraging customers and users to update the operating system on the Accused Products. The  
26 operating systems and flash memory systems included with the Accused Products, and the operating  
27 system updates provided by Apple, necessarily infringe one or more claims of the '421 Patent by  
28 managing the flash memory systems included with the Accused Products when the Accused

1 Products are used by Apple's customers and users and/or an operating system update is installed.  
2 Apple has knowingly caused customers and users to directly infringe one or more claims of the  
3 '421 Patent with the specific intent that customers infringe the '421 Patent because Apple is aware  
4 that use of the Accused Products and/or installing an operating system update distributed by Apple  
5 for the Accused Products necessarily infringes one or more claims of the '421 Patent and has been  
6 and is continuing to sell and/or import the Accused Products in the United States.

7 54. Apple is and has been contributing to the infringement of one or more of the claims of  
8 the '421 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
9 into the United States, and/or distributing operating system updates to the Accused Products without  
10 authority. With knowledge of the '421 Patent, Apple designs the Accused Products and develops  
11 and/or controls the operating systems and flash memory systems that are and have been included in  
12 the Accused Products. Additionally, with knowledge of the '421 Patent, Apple distributes operating  
13 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
14 update operating systems on the Accused Products. The operating systems and flash memory  
15 systems included in the Accused Products control the operation of the incorporated flash memory  
16 systems in a manner that meets all claim limitations of one or more claims of the '421 Patent and  
17 consequently are a material part of the invention claimed by the '421 Patent. Apple has and had  
18 knowledge that the Accused Products are especially made and adapted for infringement of the  
19 '421 Patent because Apple is aware of the '421 Patent and that its customers and users necessarily  
20 directly infringe one or more claims of the '421 Patent when using and/or installing operating system  
21 updates on the Accused Products. The Accused Products have no substantial non-infringing uses  
22 because customers and users necessarily directly infringe the '421 Patent when the Accused  
23 Products are used and/or an operating system update is installed on the Accused Products.

24 55. Upon information and belief, Apple will continue to directly infringe, induce  
25 infringement and/or contribute to the infringement of the '421 Patent.

26 56. Apple's acts of infringement have caused damage to Longitude and Longitude is  
27 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
28 acts in an amount subject to proof at trial.

**FIFTH COUNT**  
**(Infringement of the '702 Patent)**

1  
2  
3 57. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
4 though fully restated herein.

5 58. Apple has infringed and continues to infringe one or more of the claims of the  
6 '702 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
7 the United States, and/or by importing into the United States, without authority, products using flash  
8 memory systems, including but not limited to the Accused Products, that are covered by one or more  
9 claims of the '702 Patent.

10 59. Apple is and has been inducing customers and users of the Accused Products to  
11 directly infringe one or more of the claims of the '702 Patent in violation of 35 U.S.C. § 271(b) by  
12 selling, importing into the United States, and/or distributing operating system updates to the Accused  
13 Products without authority. With knowledge of the '702 Patent, Apple designs the Accused  
14 Products and develops and/or controls the operating system and flash memory systems that are and  
15 have been included in the Accused Products. Additionally, with knowledge of the '702 Patent,  
16 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
17 encouraging customers and users to update the operating system on the Accused Products. The  
18 operating systems and flash memory systems included with the Accused Products, and the operating  
19 system updates provided by Apple, necessarily infringe one or more claims of the '702 Patent by  
20 managing the flash memory systems included with the Accused Products when the Accused  
21 Products are used by Apple's customers and users and/or an operating system update is installed.  
22 Apple has knowingly caused customers and users to directly infringe one or more claims of the  
23 '702 Patent with the specific intent that customers infringe the '702 Patent because Apple is aware  
24 that use of the Accused Products and/or installing an operating system update distributed by Apple  
25 for the Accused Products necessarily infringes one or more claims of the '702 Patent and has been  
26 and is continuing to sell and/or import the Accused Products in the United States.

27 60. Apple is and has been contributing to the infringement of one or more of the claims of  
28 the '702 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing



1 into the United States, and/or distributing operating system updates to the Accused Products without  
2 authority. With knowledge of the '702 Patent, Apple designs the Accused Products and develops  
3 and/or controls the operating systems and flash memory systems that are and have been included in  
4 the Accused Products. Additionally, with knowledge of the '702 Patent, Apple distributes operating  
5 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
6 update operating systems on the Accused Products. The operating systems and flash memory  
7 systems included in the Accused Products control the operation of the incorporated flash memory  
8 systems in a manner that meets all claim limitations of one or more claims of the '702 Patent and  
9 consequently are a material part of the invention claimed by the '702 Patent. Apple has and had  
10 knowledge that the Accused Products are especially made and adapted for infringement of the  
11 '702 Patent because Apple is aware of the '702 Patent and that its customers and users necessarily  
12 directly infringe one or more claims of the '702 Patent when using and/or installing operating system  
13 updates on the Accused Products. The Accused Products have no substantial non-infringing uses  
14 because customers and users necessarily directly infringe the '702 Patent when the Accused  
15 Products are used and/or an operating system update is installed on the Accused Products.

16 61. Upon information and belief, Apple will continue to directly infringe, induce  
17 infringement and/or contribute to the infringement of the '702 Patent.

18 62. Apple's acts of infringement have caused damage to Longitude and Longitude is  
19 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
20 acts in an amount subject to proof at trial.

21 **SIXTH COUNT**  
22 **(Infringement of the '490 Patent)**

23 63. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
24 though fully restated herein.

25 64. Apple has infringed and continues to infringe one or more of the claims of the  
26 '490 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
27 the United States, and/or by importing into the United States, without authority, products using flash  
28 memory systems, including but not limited to the Accused Products, that are covered by one or more

1 claims of the '490 Patent.

2           65. Apple is and has been inducing customers and users of the Accused Products to  
3 directly infringe one or more of the claims of the '490 Patent in violation of 35 U.S.C. § 271(b) by  
4 selling, importing into the United States, and/or distributing operating system updates to the Accused  
5 Products without authority. With knowledge of the '490 Patent, Apple designs the Accused  
6 Products and develops and/or controls the operating system and flash memory systems that are and  
7 have been included in the Accused Products. Additionally, with knowledge of the '490 Patent,  
8 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
9 encouraging customers and users to update the operating system on the Accused Products. The  
10 operating systems and flash memory systems included with the Accused Products, and the operating  
11 system updates provided by Apple, necessarily infringe one or more claims of the '490 Patent by  
12 managing the flash memory systems included with the Accused Products when the Accused  
13 Products are used by Apple's customers and users and/or an operating system update is installed.  
14 Apple has knowingly caused customers and users to directly infringe one or more claims of the  
15 '490 Patent with the specific intent that customers infringe the '490 Patent because Apple is aware  
16 that use of the Accused Products and/or installing an operating system update distributed by Apple  
17 for the Accused Products necessarily infringes one or more claims of the '490 Patent and has been  
18 and is continuing to sell and/or import the Accused Products in the United States.

19           66. Apple is and has been contributing to the infringement of one or more of the claims of  
20 the '490 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
21 into the United States, and/or distributing operating system updates to the Accused Products without  
22 authority. With knowledge of the '490 Patent, Apple designs the Accused Products and develops  
23 and/or controls the operating systems and flash memory systems that are and have been included in  
24 the Accused Products. Additionally, with knowledge of the '490 Patent, Apple distributes operating  
25 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
26 update operating systems on the Accused Products. The operating systems and flash memory  
27 systems included in the Accused Products control the operation of the incorporated flash memory  
28 systems in a manner that meets all claim limitations of one or more claims of the '490 Patent and

1 consequently are a material part of the invention claimed by the '490 Patent. Apple has and had  
2 knowledge that the Accused Products are especially made and adapted for infringement of the  
3 '490 Patent because Apple is aware of the '490 Patent and that its customers and users necessarily  
4 directly infringe one or more claims of the '490 Patent when using and/or installing operating system  
5 updates on the Accused Products. The Accused Products have no substantial non-infringing uses  
6 because customers and users necessarily directly infringe the '490 Patent when the Accused  
7 Products are used and/or an operating system update is installed on the Accused Products.

8 67. Upon information and belief, Apple will continue to directly infringe, induce  
9 infringement and/or contribute to the infringement of the '490 Patent.

10 68. Apple's acts of infringement have caused damage to Longitude and Longitude is  
11 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
12 acts in an amount subject to proof at trial.

13 **SEVENTH COUNT**  
14 **(Infringement of the '835 Patent)**

15 69. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
16 though fully restated herein.

17 70. Apple has infringed and continues to infringe one or more of the claims of the '835  
18 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within the  
19 United States, and/or by importing into the United States, without authority, products using flash  
20 memory systems, including but not limited to the Accused Products, that are covered by one or more  
21 claims of the '835 Patent.

22 71. Apple is and has been inducing customers and users of the Accused Products to  
23 directly infringe one or more of the claims of the '835 Patent in violation of 35 U.S.C. § 271(b) by  
24 selling, importing into the United States, and/or distributing operating system updates to the Accused  
25 Products without authority. With knowledge of the '835 Patent, Apple designs the Accused  
26 Products and develops and/or controls the operating system and flash memory systems that are and  
27 have been included in the Accused Products. Additionally, with knowledge of the '835 Patent,  
28 Apple distributes operating system updates for the Accused Products, thus enabling and actively

1 encouraging customers and users to update the operating system on the Accused Products. The  
2 operating systems and flash memory systems included with the Accused Products, and the operating  
3 system updates provided by Apple, necessarily infringe one or more claims of the '835 Patent by  
4 managing the flash memory systems included with the Accused Products when the Accused  
5 Products are used by Apple's customers and users and/or an operating system update is installed.  
6 Apple has knowingly caused customers and users to directly infringe one or more claims of the '835  
7 Patent with the specific intent that customers infringe the '835 Patent because Apple is aware that  
8 use of the Accused Products and/or installing an operating system update distributed by Apple for  
9 the Accused Products necessarily infringes one or more claims of the '835 Patent and has been and  
10 is continuing to sell and/or import the Accused Products in the United States.

11 72. Apple is and has been contributing to the infringement of one or more of the claims of  
12 the '835 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
13 into the United States, and/or distributing operating system updates to the Accused Products without  
14 authority. With knowledge of the '835 Patent, Apple designs the Accused Products and develops  
15 and/or controls the operating systems and flash memory systems that are and have been included in  
16 the Accused Products. Additionally, with knowledge of the '835 Patent, Apple distributes operating  
17 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
18 update operating systems on the Accused Products. The operating systems and flash memory  
19 systems included in the Accused Products control the operation of the incorporated flash memory  
20 systems in a manner that meets all claim limitations of one or more claims of the '835 Patent and  
21 consequently are a material part of the invention claimed by the '835 Patent. Apple has and had  
22 knowledge that the Accused Products are especially made and adapted for infringement of the '835  
23 Patent because Apple is aware of the '835 Patent and that its customers and users necessarily directly  
24 infringe one or more claims of the '835 Patent when using and/or installing operating system updates  
25 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
26 customers and users necessarily directly infringe the '835 Patent when the Accused Products are  
27 used and/or an operating system update is installed on the Accused Products.

28 73. Upon information and belief, Apple will continue to directly infringe, induce

1 infringement and/or contribute to the infringement of the '835 Patent.

2 74. Apple's acts of infringement have caused damage to Longitude and Longitude is  
3 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
4 acts in an amount subject to proof at trial.

5 **EIGHTH COUNT**  
6 **(Infringement of the '607 Patent)**

7 75. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
8 though fully restated herein.

9 76. Apple has infringed and continues to infringe one or more of the claims of the  
10 '607 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
11 the United States, and/or by importing into the United States, without authority, products using flash  
12 memory systems, including but not limited to the Accused Products, that are covered by one or more  
13 claims of the '607 Patent.

14 77. Apple is and has been inducing customers and users of the Accused Products to  
15 directly infringe one or more of the claims of the '607 Patent in violation of 35 U.S.C. § 271(b) by  
16 selling, importing into the United States, and/or distributing operating system updates to the Accused  
17 Products without authority. With knowledge of the '607 Patent, Apple designs the Accused  
18 Products and develops and/or controls the operating system and flash memory systems that are and  
19 have been included in the Accused Products. Additionally, with knowledge of the '607 Patent,  
20 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
21 encouraging customers and users to update the operating system on the Accused Products. The  
22 operating systems and flash memory systems included with the Accused Products, and the operating  
23 system updates provided by Apple, necessarily infringe one or more claims of the '607 Patent by  
24 managing the flash memory systems included with the Accused Products when the Accused  
25 Products are used by Apple's customers and users and/or an operating system update is installed.  
26 Apple has knowingly caused customers and users to directly infringe one or more claims of the '607  
27 Patent with the specific intent that customers infringe the '607 Patent because Apple is aware that  
28 use of the Accused Products and/or installing an operating system update distributed by Apple for

1 the Accused Products necessarily infringes one or more claims of the '607 Patent and has been and  
2 is continuing to sell and/or import the Accused Products in the United States.

3 78. Apple is and has been contributing to the infringement of one or more of the claims of  
4 the '607 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
5 into the United States, and/or distributing operating system updates to the Accused Products without  
6 authority. With knowledge of the '607 Patent, Apple designs the Accused Products and develops  
7 and/or controls the operating systems and flash memory systems that are and have been included in  
8 the Accused Products. Additionally, with knowledge of the '607 Patent, Apple distributes operating  
9 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
10 update operating systems on the Accused Products. The operating systems and flash memory  
11 systems included in the Accused Products control the operation of the incorporated flash memory  
12 systems in a manner that meets all claim limitations of one or more claims of the '607 Patent and  
13 consequently are a material part of the invention claimed by the '607 Patent. Apple has and had  
14 knowledge that the Accused Products are especially made and adapted for infringement of the '607  
15 Patent because Apple is aware of the '607 Patent and that its customers and users necessarily directly  
16 infringe one or more claims of the '607 Patent when using and/or installing operating system updates  
17 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
18 customers and users necessarily directly infringe the '607 Patent when the Accused Products are  
19 used and/or an operating system update is installed on the Accused Products.

20 79. Upon information and belief, Apple will continue to directly infringe, induce  
21 infringement and/or contribute to the infringement of the '607 Patent.

22 80. Apple's acts of infringement have caused damage to Longitude and Longitude is  
23 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
24 acts in an amount subject to proof at trial.

25 **NINTH COUNT**  
26 **(Infringement of the '095 Patent)**

27 81. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
28 though fully restated herein.

1           82.     Apple has infringed and continues to infringe one or more of the claims of the  
2 '095 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
3 the United States, and/or by importing into the United States, without authority, products using flash  
4 memory systems, including but not limited to the Accused Products, that are covered by one or more  
5 claims of the '095 Patent.

6           83.     Apple is and has been inducing customers and users of the Accused Products to  
7 directly infringe one or more of the claims of the '095 Patent in violation of 35 U.S.C. § 271(b) by  
8 selling, importing into the United States, and/or distributing operating system updates to the Accused  
9 Products without authority. With knowledge of the '095 Patent, Apple designs the Accused  
10 Products and develops and/or controls the operating system and flash memory systems that are and  
11 have been included in the Accused Products. Additionally, with knowledge of the '095 Patent,  
12 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
13 encouraging customers and users to update the operating system on the Accused Products. The  
14 operating systems and flash memory systems included with the Accused Products, and the operating  
15 system updates provided by Apple, necessarily infringe one or more claims of the '095 Patent by  
16 managing the flash memory systems included with the Accused Products when the Accused  
17 Products are used by Apple's customers and users and/or an operating system update is installed.  
18 Apple has knowingly caused customers and users to directly infringe one or more claims of the '095  
19 Patent with the specific intent that customers infringe the '095 Patent because Apple is aware that  
20 use of the Accused Products and/or installing an operating system update distributed by Apple for  
21 the Accused Products necessarily infringes one or more claims of the '095 Patent and has been and  
22 is continuing to sell and/or import the Accused Products in the United States.

23           84.     Apple is and has been contributing to the infringement of one or more of the claims of  
24 the '095 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
25 into the United States, and/or distributing operating system updates to the Accused Products without  
26 authority. With knowledge of the '095 Patent, Apple designs the Accused Products and develops  
27 and/or controls the operating systems and flash memory systems that are and have been included in  
28 the Accused Products. Additionally, with knowledge of the '095 Patent, Apple distributes operating

1 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
2 update operating systems on the Accused Products. The operating systems and flash memory  
3 systems included in the Accused Products control the operation of the incorporated flash memory  
4 systems in a manner that meets all claim limitations of one or more claims of the '095 Patent and  
5 consequently are a material part of the invention claimed by the '095 Patent. Apple has and had  
6 knowledge that the Accused Products are especially made and adapted for infringement of the '095  
7 Patent because Apple is aware of the '095 Patent and that its customers and users necessarily directly  
8 infringe one or more claims of the '095 Patent when using and/or installing operating system updates  
9 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
10 customers and users necessarily directly infringe the '095 Patent when the Accused Products are  
11 used and/or an operating system update is installed on the Accused Products.

12 85. Upon information and belief, Apple will continue to directly infringe, induce  
13 infringement and/or contribute to the infringement of the '095 Patent.

14 86. Apple's acts of infringement have caused damage to Longitude and Longitude is  
15 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
16 acts in an amount subject to proof at trial.

17 **TENTH COUNT**  
18 **(Infringement of the '488 Patent)**

19 87. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
20 though fully restated herein.

21 88. Apple has infringed and continues to infringe one or more of the claims of the  
22 '488 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
23 the United States, and/or by importing into the United States, without authority, products using flash  
24 memory systems, including but not limited to the Accused Products, that are covered by one or more  
25 claims of the '488 Patent.

26 89. Apple is and has been inducing customers and users of the Accused Products to  
27 directly infringe one or more of the claims of the '488 Patent in violation of 35 U.S.C. § 271(b) by  
28 selling, importing into the United States, and/or distributing operating system updates to the Accused



1 Products without authority. With knowledge of the '488 Patent, Apple designs the Accused  
2 Products and develops and/or controls the operating system and flash memory systems that are and  
3 have been included in the Accused Products. Additionally, with knowledge of the '488 Patent,  
4 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
5 encouraging customers and users to update the operating system on the Accused Products. The  
6 operating systems and flash memory systems included with the Accused Products, and the operating  
7 system updates provided by Apple, necessarily infringe one or more claims of the '488 Patent by  
8 managing the flash memory systems included with the Accused Products when the Accused  
9 Products are used by Apple's customers and users and/or an operating system update is installed.  
10 Apple has knowingly caused customers and users to directly infringe one or more claims of the '488  
11 Patent with the specific intent that customers infringe the '488 Patent because Apple is aware that  
12 use of the Accused Products and/or installing an operating system update distributed by Apple for  
13 the Accused Products necessarily infringes one or more claims of the '488 Patent and has been and  
14 is continuing to sell and/or import the Accused Products in the United States.

15 90. Apple is and has been contributing to the infringement of one or more of the claims of  
16 the '488 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
17 into the United States, and/or distributing operating system updates to the Accused Products without  
18 authority. With knowledge of the '488 Patent, Apple designs the Accused Products and develops  
19 and/or controls the operating systems and flash memory systems that are and have been included in  
20 the Accused Products. Additionally, with knowledge of the '488 Patent, Apple distributes operating  
21 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
22 update operating systems on the Accused Products. The operating systems and flash memory  
23 systems included in the Accused Products control the operation of the incorporated flash memory  
24 systems in a manner that meets all claim limitations of one or more claims of the '488 Patent and  
25 consequently are a material part of the invention claimed by the '488 Patent. Apple has and had  
26 knowledge that the Accused Products are especially made and adapted for infringement of the '488  
27 Patent because Apple is aware of the '488 Patent and that its customers and users necessarily directly  
28 infringe one or more claims of the '488 Patent when using and/or installing operating system updates

1 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
2 customers and users necessarily directly infringe the '488 Patent when the Accused Products are  
3 used and/or an operating system update is installed on the Accused Products.

4 91. Upon information and belief, Apple will continue to directly infringe, induce  
5 infringement and/or contribute to the infringement of the '488 Patent.

6 92. Apple's acts of infringement have caused damage to Longitude and Longitude is  
7 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
8 acts in an amount subject to proof at trial.

9 **ELEVENTH COUNT**  
10 **(Infringement of the '611 Patent)**

11 93. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
12 though fully restated herein.

13 94. Apple has infringed and continues to infringe one or more of the claims of the  
14 '611 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
15 the United States, and/or by importing into the United States, without authority, products using flash  
16 memory systems, including but not limited to the Accused Products, that are covered by one or more  
17 claims of the '611 Patent.

18 95. Apple is and has been inducing customers and users of the Accused Products to  
19 directly infringe one or more of the claims of the '611 Patent in violation of 35 U.S.C. § 271(b) by  
20 selling, importing into the United States, and/or distributing operating system updates to the Accused  
21 Products without authority. With knowledge of the '611 Patent, Apple designs the Accused  
22 Products and develops and/or controls the operating system and flash memory systems that are and  
23 have been included in the Accused Products. Additionally, with knowledge of the '611 Patent,  
24 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
25 encouraging customers and users to update the operating system on the Accused Products. The  
26 operating systems and flash memory systems included with the Accused Products, and the operating  
27 system updates provided by Apple, necessarily infringe one or more claims of the '611 Patent by  
28 managing the flash memory systems included with the Accused Products when the Accused

1 Products are used by Apple's customers and users and/or an operating system update is installed.  
2 Apple has knowingly caused customers and users to directly infringe one or more claims of the '611  
3 Patent with the specific intent that customers infringe the '611 Patent because Apple is aware that  
4 use of the Accused Products and/or installing an operating system update distributed by Apple for  
5 the Accused Products necessarily infringes one or more claims of the '611 Patent and has been and  
6 is continuing to sell and/or import the Accused Products in the United States.

7 96. Apple is and has been contributing to the infringement of one or more of the claims of  
8 the '611 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
9 into the United States, and/or distributing operating system updates to the Accused Products without  
10 authority. With knowledge of the '611 Patent, Apple designs the Accused Products and develops  
11 and/or controls the operating systems and flash memory systems that are and have been included in  
12 the Accused Products. Additionally, with knowledge of the '611 Patent, Apple distributes operating  
13 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
14 update operating systems on the Accused Products. The operating systems and flash memory  
15 systems included in the Accused Products control the operation of the incorporated flash memory  
16 systems in a manner that meets all claim limitations of one or more claims of the '611 Patent and  
17 consequently are a material part of the invention claimed by the '611 Patent. Apple has and had  
18 knowledge that the Accused Products are especially made and adapted for infringement of the '611  
19 Patent because Apple is aware of the '611 Patent and that its customers and users necessarily directly  
20 infringe one or more claims of the '611 Patent when using and/or installing operating system updates  
21 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
22 customers and users necessarily directly infringe the '611 Patent when the Accused Products are  
23 used and/or an operating system update is installed on the Accused Products.

24 97. Upon information and belief, Apple will continue to directly infringe, induce  
25 infringement and/or contribute to the infringement of the '611 Patent.

26 98. Apple's acts of infringement have caused damage to Longitude and Longitude is  
27 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
28 acts in an amount subject to proof at trial.

**TWELFTH COUNT**  
**(Infringement of the '865 Patent)**

1  
2  
3           99.     Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
4 though fully restated herein.

5           100.    Apple has infringed and continues to infringe one or more of the claims of the  
6 '865 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
7 the United States, and/or by importing into the United States, without authority, products using flash  
8 memory systems, including but not limited to the Accused Products, that are covered by one or more  
9 claims of the '865 Patent.

10           101.    Apple is and has been inducing customers and users of the Accused Products to  
11 directly infringe one or more of the claims of the '865 Patent in violation of 35 U.S.C. § 271(b) by  
12 selling, importing into the United States, and/or distributing operating system updates to the Accused  
13 Products without authority. With knowledge of the '865 Patent, Apple designs the Accused  
14 Products and develops and/or controls the operating system and flash memory systems that are and  
15 have been included in the Accused Products. Additionally, with knowledge of the '865 Patent,  
16 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
17 encouraging customers and users to update the operating system on the Accused Products. The  
18 operating systems and flash memory systems included with the Accused Products, and the operating  
19 system updates provided by Apple, necessarily infringe one or more claims of the '865 Patent by  
20 managing the flash memory systems included with the Accused Products when the Accused  
21 Products are used by Apple's customers and users and/or an operating system update is installed.  
22 Apple has knowingly caused customers and users to directly infringe one or more claims of the '865  
23 Patent with the specific intent that customers infringe the '865 Patent because Apple is aware that  
24 use of the Accused Products and/or installing an operating system update distributed by Apple for  
25 the Accused Products necessarily infringes one or more claims of the '865 Patent and has been and  
26 is continuing to sell and/or import the Accused Products in the United States.

27           102.    Apple is and has been contributing to the infringement of one or more of the claims of  
28 the '865 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing

1 into the United States, and/or distributing operating system updates to the Accused Products without  
2 authority. With knowledge of the '865 Patent, Apple designs the Accused Products and develops  
3 and/or controls the operating systems and flash memory systems that are and have been included in  
4 the Accused Products. Additionally, with knowledge of the '865 Patent, Apple distributes operating  
5 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
6 update operating systems on the Accused Products. The operating systems and flash memory  
7 systems included in the Accused Products control the operation of the incorporated flash memory  
8 systems in a manner that meets all claim limitations of one or more claims of the '865 Patent and  
9 consequently are a material part of the invention claimed by the '865 Patent. Apple has and had  
10 knowledge that the Accused Products are especially made and adapted for infringement of the '865  
11 Patent because Apple is aware of the '865 Patent and that its customers and users necessarily directly  
12 infringe one or more claims of the '865 Patent when using and/or installing operating system updates  
13 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
14 customers and users necessarily directly infringe the '865 Patent when the Accused Products are  
15 used and/or an operating system update is installed on the Accused Products.

16 103. Upon information and belief, Apple will continue to directly infringe, induce  
17 infringement and/or contribute to the infringement of the '865 Patent.

18 104. Apple's acts of infringement have caused damage to Longitude and Longitude is  
19 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
20 acts in an amount subject to proof at trial.

21 **THIRTEENTH COUNT**  
22 **(Infringement of the '729 Patent)**

23 105. Longitude incorporates by reference and realleges paragraphs 1 through 32 above as  
24 though fully restated herein.

25 106. Apple has infringed and continues to infringe one or more of the claims of the  
26 '729 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering to sell within  
27 the United States, and/or by importing into the United States, without authority, products using flash  
28 memory systems, including but not limited to the Accused Products, that are covered by one or more

1 claims of the '729 Patent.

2           107. Apple is and has been inducing customers and users of the Accused Products to  
3 directly infringe one or more of the claims of the '729 Patent in violation of 35 U.S.C. § 271(b) by  
4 selling, importing into the United States, and/or distributing operating system updates to the Accused  
5 Products without authority. With knowledge of the '729 Patent, Apple designs the Accused  
6 Products and develops and/or controls the operating system and flash memory systems that are and  
7 have been included in the Accused Products. Additionally, with knowledge of the '729 Patent,  
8 Apple distributes operating system updates for the Accused Products, thus enabling and actively  
9 encouraging customers and users to update the operating system on the Accused Products. The  
10 operating systems and flash memory systems included with the Accused Products, and the operating  
11 system updates provided by Apple, necessarily infringe one or more claims of the '729 Patent by  
12 managing the flash memory systems included with the Accused Products when the Accused  
13 Products are used by Apple's customers and users and/or an operating system update is installed.  
14 Apple has knowingly caused customers and users to directly infringe one or more claims of the '729  
15 Patent with the specific intent that customers infringe the '729 Patent because Apple is aware that  
16 use of the Accused Products and/or installing an operating system update distributed by Apple for  
17 the Accused Products necessarily infringes one or more claims of the '729 Patent and has been and  
18 is continuing to sell and/or import the Accused Products in the United States.

19           108. Apple is and has been contributing to the infringement of one or more of the claims of  
20 the '729 Patent by its customers and users in violation of 35 U.S.C. § 271(c) by selling, importing  
21 into the United States, and/or distributing operating system updates to the Accused Products without  
22 authority. With knowledge of the '729 Patent, Apple designs the Accused Products and develops  
23 and/or controls the operating systems and flash memory systems that are and have been included in  
24 the Accused Products. Additionally, with knowledge of the '729 Patent, Apple distributes operating  
25 system updates for Accused Products, thus enabling and actively encouraging customers and users to  
26 update operating systems on the Accused Products. The operating systems and flash memory  
27 systems included in the Accused Products control the operation of the incorporated flash memory  
28 systems in a manner that meets all claim limitations of one or more claims of the '729 Patent and

1 consequently are a material part of the invention claimed by the '729 Patent. Apple has and had  
2 knowledge that the Accused Products are especially made and adapted for infringement of the '729  
3 Patent because Apple is aware of the '729 Patent and that its customers and users necessarily directly  
4 infringe one or more claims of the '729 Patent when using and/or installing operating system updates  
5 on the Accused Products. The Accused Products have no substantial non-infringing uses because  
6 customers and users necessarily directly infringe the '729 Patent when the Accused Products are  
7 used and/or an operating system update is installed on the Accused Products.

8 109. Upon information and belief, Apple will continue to directly infringe, induce  
9 infringement and/or contribute to the infringement of the '729 Patent.

10 110. Apple's acts of infringement have caused damage to Longitude and Longitude is  
11 entitled to recover from Apple the damages sustained by Longitude as a result of Apple's wrongful  
12 acts in an amount subject to proof at trial.

13  
14 WHEREFORE, Longitude prays for judgment against Apple as follows:

15 (a) For judgment that the Patents-in-Suit have been and/or continue to be infringed by  
16 Apple;

17 (b) For an award of all damages sustained by Longitude as the result of Apple's acts of  
18 infringement;

19 (c) For a mandatory future royalty payable on each and every product sold by Apple in  
20 the future that is found to infringe one or more of the Patents-in-Suit and on all future products  
21 which are not colorably different from products found to infringe;

22 (d) Permanently enjoin Apple from further infringement of the Patents-in-Suit;

23 (e) For all costs of suit, including attorney's fees;

24 (f) For judgment that Apple's infringement of the '424 Patent, the '421 Patent, the '702  
25 Patent, the '835 Patent, the '607 Patent, the '865 Patent, and the '729 Patent was willful and grant  
26 treble damages; and

27 (g) For such other and further relief as the Court may deem just and proper.  
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**DEMAND FOR A JURY TRIAL**

Longitude demands a jury trial for all issues so triable.

Dated: September 22, 2015

BUNSOW, DE MORY, SMITH & ALLISON LLP

By: /s/ Henry C. Bunsow  
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