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RICHARD W. WYKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HRL

9 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 JAMES B. GOODMAN,

12 Plaintiff,

13 vs.

14 ELPIDA MEMORY, INC.

15 EMERGING MEMORY AND LOGIC
16 SOLUTIONS INC.

17 FIDELIS CO., LTD.

18 INTEGRATED SILICON SOLUTION, INC.

19 and

20 WINBOND ELECTRONICS
CORPORATION

21 Defendants.
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23

Civil Action No. 10

3738

COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR
JURY TRIAL

24 NOW COMES Plaintiff, JAMES B. GOODMAN ("Goodman"), through his attorneys,
25 and files this Complaint for Patent Infringement and Demand for Jury Trial against Elpida
26 Memory, Inc. doing business as Elpida, Emerging Memory and Logic Solutions Inc. doing
27 business as EMLSI, Fidelis Co., Ltd. doing business as Fidelis, Integrated Silicon Solution, Inc.
28 Doing business as ISSI, and Winbond Electronics Corporation doing business as Winbond.

PARTIES

1. Plaintiff Goodman is an individual residing in the State of Texas.
2. On information and belief, Elpida Memory, Inc. doing business as Elpida (“Elpida”) is a Japanese corporation having a place of business entitled “Elpida Memory (USA) Inc. at 1175 Sonora Court, Sunnyvale, CA 94086.
3. On information and belief, Emerging Memory and Logic Systems Inc. doing business as EMLSI (“EMLSI”) is a Korean corporation having a place of business entitled “EMLSI America, Inc.” at 116 Greendale Drive, Los Gatos, CA 95032.
4. On information and belief, Fidelis Co., Ltd. is a Korean corporation having a place of business #214 3003N First Street, San Jose, CA 95134.
5. On information and belief, Integrated Silicon Solutions, Inc. (“ISSI”) is a corporation not shown as active in the web site for the California Secretary of State, but the web site for ISSI states that it is headquartered at 1940 Zanker Road, San Jose, CA 95112.
6. On information and belief, Winbond Electronics Corporation is a Taiwan corporation doing business as Winbond (“Winbond”) having a place of business entitled “Winbond Electronics Corporation America” at 2727 N. First Street, San Jose, CA 95134.

JURISDICTION AND VENUE

7. This is an action for patent infringement of United States Patent No. 6,243,315 (hereinafter “The ‘315 Patent”) pursuant to the laws of the United States of America as set forth in Title 35 Sections 271 and 281 of the United States Code. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Sec. 1338(a) and 28 U.S.C. Sec. 1331. Venue is proper in this judicial district under 28 U.S.C. §§§ 1391(b), (c) and 1400(b).
8. On information and belief, the Defendants are subject to this Court’s specific and general personal jurisdiction, pursuant to due process and/or the California Long

1 Arm Statute, due to at least their respective business in the forum, including a
2 portion of the infringement alleged herein.

3 9. On information and belief, the Defendants, directly and/or through intermediaries,
4 advertise at least through respective web sites, offered to sell, sold and/or
5 distributed infringing products, and/or have induced the sale and use of infringing
6 products. In addition, and on information and belief, Defendants are subject to the
7 Court's general jurisdiction, including from regularly doing or soliciting business,
8 engaging in other persistent courses of conduct, and/or deriving substantial
9 revenue from goods and services provided to individuals in California.

10 10. Venue is proper in this district because on information and belief, each Defendant
11 has committed at least a portion of the infringements at issue in this case.

12 11. Without limitation, on information and belief, within this district Defendants,
13 directly and/or through intermediaries, have advertised at least through website,
14 offered to sell and/or distributed infringing products, and/or have induced the sale
15 and use of infringing products.

16 **INTRADISTRICT ASSIGNMENT**

17 12. This is an action for Patent Infringement, which is an excepted category under
18 Civil L.R. 3-2(c). Pursuant to Civil L.R. 3-2(c), this action is assigned on a
19 district-wide basis.

20 **CAUSES OF ACTION FOR PATENT INFRINGEMENT**

21 13. On June 5, 2001, the '315 Patent entitled "COMPUTER MEMORY SYSTEM
22 WITH A LOW POWER MODE", was duly and legally issued to James B.
23 Goodman, as the sole patentee.

24 14. Plaintiff Goodman is the sole owner of the '315 Patent, and has standing to bring
25 this action.

26 **COUNT ONE**

27 15. Plaintiff Goodman repeats and incorporates herein the allegations contained in
28 paragraphs 1 through 13 above.

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16. Defendant Elpida is infringing, at least claim 1 of the '315 Patent with its product called "Mobile Ram TM".

17. Defendant Fidelis is infringing, at least claim 1 of the '315 Patent with its product called "Pseudo SRAM".

18. Defendant EMLSI is infringing, at least claim 1 of the '315 Patent with its product called "Pseudo SRAM".

19. Defendant ISSI is infringing, at least claim 1 of the '315 Patent with its product called "Pseudo SRAM"

20. Defendant Winbond is infringing, at least claim 1 of the '315 Patent with its product called "Pseudo SRAM"

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

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

THE PLAINTIFF
JAMES B. GOODMAN

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