

in the State of Delaware; regularly conducts business in the State of Delaware; and continues to commit acts of patent infringement in the State of Delaware including by making, using, offering to sell, and/or selling Accused Products within the State of Delaware and this district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Defendant is subject to this Court's personal jurisdiction because, *inter alia*, Defendants have committed and continue to commit acts of patent infringement including making, using, offering to sell, and/or selling Accused Products in this district, and/or importing Accused Products into this district.

FACTS

7. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,330,369 ("the '369 Patent") entitled "NANO-Electronic Memory Array," which was duly and legally issued on February 12th, 2008 by the United States Patent and Trademark Office ("USPTO").

8. A copy of the '369 Patent is attached to this Complaint as Exhibit A.

9. The claims of the '369 Patent are valid and enforceable.

COUNT I: CLAIM FOR PATENT INFRINGEMENT UNDER 35 U.S.C. § 271 ('369 PATENT)

10. Plaintiffs hereby incorporates by reference the allegations of paragraphs 1 through 9 of this Complaint as if fully set forth herein.

11. Claim 1 of the '369 Patent covers "a memory device comprising an array of memory cells disposed in rows and columns and constructed over a substrate, each memory cell comprising a first signal electrode, a second signal electrode, and a single molecule magnetic nano-layer disposed in the intersecting region between the first signal electrode and the second signal electrode, a plurality of word lines each connecting the first signal electrodes of a row of memory cells, and a plurality of bit lines each connecting the second signal electrodes of memory cells."

12. Defendant manufactures, imports into the United States, offers for sale, and/or sells

memory devices, which infringe at least Claim 1 of the ‘369 Patent (hereafter “Accused Product(s)”).

13. Defendant’s Accused Product(s) include, without limitation Avalanche’s discrete MRAM devices.

14. A claim chart comparing Claim 1 of the ‘369 Patent to the Accused Product(s) is attached as Exhibit B.

15. The Accused Product(s) includes an MRAM device. See Exhibit B, p. 1.

16. The Accused Product(s) includes memory cells, which each have two metal electrodes with a single molecule layer of MgO, disposed in rows and columns. See Exhibit B, p. 2.

17. The Accused Product(s) includes wordlines that connect the first metal electrodes and bitlines that connect the second metal electrodes. See Exhibit B, p. 3.

18. Each one of the elements included in the Infringing System, itemized in paragraphs 15 – 17 above, is an element in Claim 1 of the ‘369 Patent.

19. Plaintiff has been, and will continue to be, irreparably harmed by Defendant’s ongoing infringement of the ‘369 Patent.

20. As a direct and proximate result of Defendant’s infringement of the ‘369 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

A. In favor of Plaintiff that Defendant has infringed one or more claims of the ‘369 Patent, either literally or under the doctrine of equivalents;

B. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the ‘369 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty; and

C. For such other and further relief, as may be just and equitable.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

Dated: June 13, 2019

Respectfully submitted,

Of Counsel:

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