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15 *Attorneys for Plaintiff*
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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 **WESTWIND IP LLC,**

20 Plaintiff,

21 v.

22 **TRANSCEND INFORMATION**
23 **INC.**

24 Defendant.

Civil Action No.

ORIGINAL COMPLAINT

JURY TRIAL DEMANDED

25 **ORIGINAL COMPLAINT**

1 Plaintiff Westwind IP LLC (“Plaintiff”) files this original complaint against
2 Transcend Information Inc. (“Defendant”), alleging, based on its own knowledge as
3 to itself and its own actions, and based on information and belief as to all other
4 matters, as follows:
5

6 **PARTIES**
7

8 1. Plaintiff is a limited liability company formed under the laws of the
9 State of Texas.
10

11 2. Defendant is a company organized and existing under the laws of the
12 state of California, with its principal place of business at 1645 N. Brian St., Orange,
13 CA 92867.
14

15 **JURISDICTION AND VENUE**

16 1. This is an action for infringement of a United States patent arising under
17 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter
18 jurisdiction of the action under 28 U.S.C. §§ 1331 and 1338(a).
19

20 2. Venue is proper in this District under 28 U.S.C. §1400(b). Defendant
21 is a resident of the forum state by virtue of its incorporation under the laws of the
22 forum state and also has a place of business and has committed acts of infringement
23 within the forum state.
24

25 3. Defendant is subject to this Court’s specific and general personal
26 jurisdiction under due process and/or the California Long Arm Statute due at least
27
28

1 to Defendant’s substantial business in this forum, including: (i) at least a portion of
2 the infringements alleged herein; (ii) regularly doing or soliciting business, engaging
3 in other persistent courses of conduct, and/or deriving substantial revenue from
4 goods and services provided to individuals in California and in this District; (iii) and
5 by virtue of its incorporation under the laws of the forum state.
6
7

8 **THE ’924 PATENT**

9 4. On March 25, 2003, United States Patent No. 6,538,924 (“the ’924
10 Patent”) was duly and legally issued by the United States Patent and Trademark
11 Office for an invention titled “Semiconductor Integrated Circuit.” Attached hereto
12 as Exhibit A.
13
14

15 5. The ’924 Patent is valid and enforceable under United States Patent
16 Laws.
17

18 6. Plaintiff is the owner of the ’924 Patent with all substantive rights in
19 and to that patent, including the sole and exclusive right to prosecute this action and
20 enforce the ’924 patent against infringers, and to collect damages for all relevant
21 times.
22

23 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,538,924**

24 7. Plaintiff repeats and realleges the allegations of paragraphs 1 through 9
25 as if fully set forth herein.
26
27
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1 8. Defendant, without authority from Plaintiff, made, had made, used,
2 imported, provided, supplied, distributed, sold, and/or offered for sale
3 semiconductor integrated circuits including the Transcend JetFlash 790 (the
4 “Accused Product”) which directly infringes the ’924 Patent under 35 U.S.C. §
5 271(a).
6

7
8 9. The Accused Product infringes at least claim 12 of the ’924 Patent.

9 10. For example, the Accused Product infringes claim 12 of the ’924 Patent.
10 It is a semiconductor circuit system in which a first semiconductor device (e.g.,
11 NAND Flash Memory) and a second semiconductor device (e.g., Memory
12 Controller) which can access a storage included in said first semiconductor device
13 are mounted on a single printed wiring board, wherein said storage includes a
14 volatile memory (e.g., registers) and a nonvolatile memory (e.g., NAND Flash cell),
15 said first semiconductor device further comprises: a plurality of first input terminals
16 (e.g., CLE, ALE etc.) for receiving a plurality of control signals; and a plurality of
17 second input terminals for receiving a plurality of address signals (e.g., DQ0, DQ1
18 etc.), each of a first command (e.g., Set Features) for controlling said volatile
19 memory and a second command (e.g., Page Program) for controlling said nonvolatile
20 memory is specified by signals supplied to said plurality of first input terminals and
21 one or more signals supplied to one or more of said plurality of second input
22 terminals, and a code (e.g., CE*=0, CLE=1, ALE=0, RE*=1 on rising edge of WE*)
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1 of said plurality of control signals is common to said first command (e.g., Set
2 Features) and said second command (e.g., Page Program), and said one or more
3 signals supplied to one or more of said plurality of second input terminals for said
4 first command (e.g., Set Features) and that for said second command are different
5 from each other (e.g., Page Program). *See* Ex. A-1 at Figs. 1-7.
6
7

8 11. Plaintiff has been damaged as a result of the infringing conduct by
9 Defendant alleged above. Thus, Defendant is liable to Plaintiff in an amount that
10 adequately compensates Plaintiff for such infringements, which, by law, cannot be
11 less than a reasonable royalty, together with interest and costs as fixed by this Court
12 under 35 U.S.C. § 284.
13
14

15 12. Plaintiff and/or its predecessors-in-interest have satisfied all statutory
16 obligations required to collect pre-filing damages for the full period allowed by law.
17

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully requests:

20 A. that judgment be entered that Defendant has infringed at least
21 one or more claims of the '924 Patent, directly and/or indirectly, literally
22 and/or under the doctrine of equivalents;
23

24 B. an award of damages sufficient to compensate Plaintiff for
25 Defendant's infringement under 35 U.S.C. § 284, including an
26 enhancement of damages on account of Defendant's willful infringement;
27
28

1 C. that the case be found exceptional under 35 U.S.C. § 285 and that
2 Plaintiff be awarded its reasonable attorneys' fees;

3
4 D. costs and expenses in this action;

5 E. an award of prejudgment and post-judgment interest; and

6 F. such other and further relief as the Court may deem just and
7
8 proper.

9 **DEMAND FOR JURY TRIAL**

10 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
11 respectfully demands a trial by jury on all issues triable by jury.
12

13 DATED January 30, 2021.

14 Respectfully submitted,

15 /s/ Steven W. Ritcheson, Esq.
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