

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SONRAI MEMORY LIMITED,

Plaintiff,

v.

KIOXIA CORPORATION and KIOXIA
AMERICA, INC.,

Defendants.

Case No. 6:21-cv-00400

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST KIOXIA CORPORATION AND KIOXIA AMERICA, INC.**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Sonrai Memory Limited (“Plaintiff” or “Sonrai”) makes the following allegations against Defendants KIOXIA Corporation and KIOXIA America, Inc. (collectively, “Defendants” or “KIOXIA”):

INTRODUCTION

1. This complaint arises from Defendants’ unlawful infringement of the following United States patents owned by Plaintiff, which relate to improvements in charge pump circuits, United States Patent No. 6,724,241 (the “’241 Patent”), and portable memory devices with both volatile and non-volatile memory, United States Patent No. 6,920,527 (the “’527 Patent”) (collectively, the “Asserted Patents”).

PARTIES

2. Plaintiff Sonrai Memory Limited is a limited liability company organized and existing under the laws of Ireland, with its principal place of business at The Hyde Building, Suite

23, The Park, Carrickmines, Dublin 18, Ireland. Sonrai is the sole owner by assignment of all right, title, and interest in the Asserted Patents.

3. On information and belief, Defendant KIOXIA Corporation (formerly Toshiba Memory Corporation) is a corporation organized under the laws of Japan, with its principal place of business at 1-21, Shibaura 3-Chome, Minato-ku, Tokyo.

4. On information and belief, Defendant KIOXIA America, Inc. (formerly Toshiba Memory America, Inc.) is a subsidiary of Defendant KIOXIA Corporation, organized under the laws of California, with an established place of business at 801 E. Old Settlers Blvd., Suite 110, Round Rock, Texas 78664.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendants in this action because Defendants have committed acts within this District giving rise to this action and have established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the asserted patents.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendants have transacted business in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the Asserted Patents.

Additionally, Defendant KIOXIA America, Inc. is registered to do business in Texas, and has a regular and established place of business in this District at 801 E. Old Settlers Blvd., Suite 110, Round Rock, Texas 78664. Furthermore, venue is proper as to Defendant KIOXIA Corporation, a foreign defendant, in any district. *See in re HTC Corp.*, 889 F.3d 1349, 1354–61 (Fed. Cir. 2018).

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,724,241

8. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

9. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 6,724,241, entitled “Variable Charge Pump Circuit with Dynamic Load.” The ’241 Patent was duly and legally issued by the United States Patent and Trademark Office on April 20, 2004. A true and correct copy of the ’241 Patent is attached as Exhibit 1.

10. On information and belief, KIOXIA makes, uses, offers for sale, sells, and/or imports certain products and services, including without limitation products with SanDisk/Toshiba 64L 3D NAND flash chips, for example, the KIOXIA TSB3245 (“Accused Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’241 Patent.

11. KIOXIA also knowingly and intentionally induces infringement of one or more claims of the ’241 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, KIOXIA has had knowledge of the ’241 Patent and the infringing nature of the Accused Products. Despite this knowledge of the ’241 Patent, KIOXIA continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website) to use the Accused Products in ways that directly infringe the

'241 Patent. KIOXIA does so knowing and intending that its customers and end users will commit these infringing acts. KIOXIA also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the '241 Patent, thereby specifically intending for and inducing its customers to infringe the '241 Patent through the customers' normal and customary use of the Accused Products.

12. KIOXIA has also infringed, and continues to infringe, one or more claims of the '241 Patent by selling, offering for sale, or importing into the United States, the Accused Products, knowing that the Accused Products constitute a material part of the inventions claimed in the '241 Patent, are especially made or adapted to infringe the '241 Patent, and are not staple articles or commodities of commerce suitable for non-infringing use. KIOXIA has been, and currently is, contributorily infringing the '241 Patent in violation of 35 U.S.C. §§ 271(c) and (f).

13. The Accused Products satisfy all claim limitations of one or more claims of the '241 Patent. A claim chart comparing exemplary independent claim 1 of the '241 Patent to representative Accused Products is attached as Exhibit 2.

14. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, KIOXIA has injured Plaintiff and is liable for infringement of the '241 Patent pursuant to 35 U.S.C. § 271.

15. As a result of KIOXIA's infringement of the '241 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for KIOXIA's infringement, but in no event less than a reasonable royalty for the use made of the invention by KIOXIA, together with interest and costs as fixed by the Court.

16. KIOXIA's infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the '241 Patent,

and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,920,527

17. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

18. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 6,920,527, entitled “Portable RAM drive.” The ’527 Patent was duly and legally issued by the United States Patent and Trademark Office on July 19, 2005. A true and correct copy of the ’527 Patent is attached as Exhibit 3.

19. On information and belief, KIOXIA makes, uses, offers for sale, sells, and/or imports certain products and services, including without limitation SSDs having Persistent Memory Region or Power Loss Protection features, for example the KIOXIA CM5, CM6, PM5, and PM6 SSDs (“Accused Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’527 Patent.

20. KIOXIA also knowingly and intentionally induces infringement of one or more claims of the ’527 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, KIOXIA has had knowledge of the ’527 Patent and the infringing nature of the Accused Products. Despite this knowledge of the ’527 Patent, KIOXIA continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website) to use the Accused Products in ways that directly infringe the ’527 Patent. KIOXIA does so knowing and intending that its customers and end users will commit these infringing acts. KIOXIA also continues to make, use, offer for sale, sell, and/or import the

Accused Products, despite its knowledge of the '527 Patent, thereby specifically intending for and inducing its customers to infringe the '527 Patent through the customers' normal and customary use of the Accused Products.

21. KIOXIA has also infringed, and continues to infringe, one or more claims of the '527 Patent by selling, offering for sale, or importing into the United States, the Accused Products, knowing that the Accused Products constitute a material part of the inventions claimed in the '527 Patent, are especially made or adapted to infringe the '527 Patent, and are not staple articles or commodities of commerce suitable for non-infringing use. KIOXIA has been, and currently is, contributorily infringing the '527 Patent in violation of 35 U.S.C. §§ 271(c) and (f).

22. The Accused Products satisfy all claim limitations of one or more claims of the '527 Patent. A claim chart comparing exemplary independent claim 1 of the '527 Patent to representative Accused Products is attached as Exhibit 4.

23. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, KIOXIA has injured Plaintiff and is liable for infringement of the '527 Patent pursuant to 35 U.S.C. § 271.

24. As a result of KIOXIA's infringement of the '527 Patent, KIOXIA is entitled to monetary damages in an amount adequate to compensate for KIOXIA's infringement, but in no event less than a reasonable royalty for the use made of the invention by KIOXIA, together with interest and costs as fixed by the Court.

25. KIOXIA's infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the '527 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that KIOXIA has infringed, either literally and/or under the doctrine of equivalents, the Asserted Patents;
- b. A permanent injunction prohibiting KIOXIA from further acts of infringement of the Asserted Patents;
- c. A judgment and order requiring KIOXIA to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for KIOXIA's infringement of the Asserted Patents; and
- d. A judgment and order requiring KIOXIA to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against KIOXIA;
- f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: April 23, 2021

Respectfully submitted,

/s/ Reza Mirzaie
Reza Mirzaie

Reza Mirzaie (CA SBN 246953)
rmirzaie@raklaw.com
Marc A. Fenster (CA SBN 181067)
mfenster@raklaw.com
Brian D. Ledahl (CA SBN 186579)
bledahl@raklaw.com
James A. Milkey (CA SBN 281213)
jmilkey@raklaw.com
Christian W. Conkle (CA SBN 306374)
cconkle@raklaw.com
Jonathan Ma (CA SBN 312773)
jma@raklaw.com

RUSS AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Attorneys for Plaintiff Sonrai Memory Limited