

1 RUSS, AUGUST & KABAT
 Reza Mirzaie (CA SBN 246953)
 2 rmirzaie@raklaw.com
 Marc A. Fenster (CA SBN 181067)
 3 mfenster@raklaw.com
 Brian D. Ledahl (CA SBN 186579)
 4 bledahl@raklaw.com
 James A. Milkey (CA SBN 281213)
 5 jmilkey@raklaw.com
 Christian W. Conkle (CA SBN 306374)
 6 cconkle@raklaw.com
 Jonathan Ma (CA SBN 312773)
 7 jma@raklaw.com
 12424 Wilshire Blvd., 12th Floor
 8 Los Angeles, California 90025
 Telephone: (310) 826-7474
 9 Facsimile: (310) 826-6991

10 Attorneys for Plaintiff
 11 SONRAI MEMORY LIMITED

12
 13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**
 15 **WESTERN DIVISION**

16
 17 SONRAI MEMORY LIMITED,
 18 Plaintiff,

19 vs.

20
 21 KINGSTON TECHNOLOGY
 COMPANY, INC.; KINGSTON
 22 TECHNOLOGY CORPORATION,
 23 Defendant.

Case No. 8:21-cv-01039

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

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COMPLAINT

1. 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 Kingston Technology Company, Inc. and Kingston Technology Corporation (collectively, “Defendants” or “Kingston”):

NATURE OF THE ACTION

2. 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”).

THE PARTIES

3. 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.

4. On information and belief, Defendant Kingston Technology Company, Inc. is a corporation organized under the laws of Delaware, with its principal place of business at 17600 Newhope Street, Fountain Valley, California 72708. Defendant Kingston Technology Company, Inc. can be served at the address for its agent for service, Tracy Chang, 17600 Newhope Street, Fountain Valley, California 72708.

5. On information and belief, Defendant Kingston Technology Corporation is a corporation organized under the laws of California, with its principal place of business at 17600 Newhope Street, Fountain Valley, California 72708. Defendant Kingston Technology Corporation can be served at the address for its agent for service, Tracy Chang, 17600 Newhope Street, Fountain Valley, California 72708.

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JURISDICTION AND VENUE

6. 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).

7. 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.

8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Defendants are registered to do business in California, and 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. Defendants have a regular and established place of business in this District, including their headquarters at 17600 Newhope Street, Fountain Valley, California 72708. Additionally, Defendant Kingston Technology Corporation resides in this District through its incorporation in the State of California.

COUNT I

INFRINGEMENT OF PATENT NO. 6,724,241

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

10. 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

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1 Office on April 20, 2004. A true and correct copy of the '241 Patent is attached as
2 Exhibit 1.

3 11. On information and belief, Kingston makes, uses, offers for sale, sells,
4 and/or imports certain products and services, including without limitation Kingston
5 products with SanDisk/Toshiba 64L 3D NAND flash chips, for example the
6 Kingston SUV500B 480G ("Accused Products"), that directly infringe, literally
7 and/or under the doctrine of equivalents, one or more claims of the '241 Patent.

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

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

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

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

25 16. Kingston's infringing activities have injured and will continue to injure
26 Plaintiff, unless and until this Court enters an injunction prohibiting further
27 infringement of the '241 Patent, and, specifically, enjoining further manufacture,
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1 use, sale, importation, and/or offers for sale that come within the scope of the patent
2 claims.

3 **COUNT II**

4 **INFRINGEMENT OF PATENT NO. 6,920,527**

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

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

11 19. On information and belief, Kingston makes, uses, offers for sale, sells,
12 and/or imports certain products and services, including without limitation SSDs with
13 Silicon Motion SSD Controllers, for example the Kingston DC1000M U.2
14 Enterprise SSD (“Accused Products”), that directly infringe, literally and/or under
15 the doctrine of equivalents, one or more claims of the ’527 Patent.

16 20. Kingston also knowingly and intentionally induces infringement of one
17 or more claims of the ’527 Patent in violation of 35 U.S.C. § 271(b). Through at
18 least the filing and service of this Complaint, Kingston has had knowledge of the
19 ’527 Patent and the infringing nature of the Accused Products. Despite this
20 knowledge of the ’527 Patent, Kingston continues to actively encourage and instruct
21 its customers and end users (for example, through user manuals and online
22 instruction materials on its website) to use the Accused Products in ways that directly
23 infringe the ’527 Patent. Kingston does so knowing and intending that its customers
24 and end users will commit these infringing acts. Kingston also continues to make,
25 use, offer for sale, sell, and/or import the Accused Products, despite its knowledge
26 of the ’527 Patent, thereby specifically intending for and inducing its customers to
27 infringe the ’527 Patent through the customers’ normal and customary use of the
28 Accused Products.

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

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

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

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

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

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff respectfully requests that this Court enter:

25 a. A judgment in favor of Plaintiff that Kingston has infringed, either
26 literally and/or under the doctrine of equivalents, the Asserted Patents;

27 b. A permanent injunction prohibiting Kingston from further acts of
28 infringement of the Asserted Patents;

1 c. A judgment and order requiring Kingston to pay Plaintiff its damages,
2 costs, expenses, and pre-judgment and post-judgment interest for Kingston's
3 infringement of the Asserted Patents;

4 d. A judgment and order requiring Kingston to provide an accounting and
5 to pay supplemental damages to Plaintiff, including without limitation, pre-judgment
6 and post-judgment interest and compensation for infringing products released after
7 the filing of this case that are not colorably different from the Accused Products;

8 e. A judgment and order requiring Kingston to pay Plaintiff compulsory
9 ongoing licensing fees, as determined by the Court in equity; and

10 f. A judgment and order finding that this is an exceptional case within the
11 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees
12 against Kingston.

13 **DEMAND FOR A JURY TRIAL**

14 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a
15 trial by jury of any issues so triable by right.
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DATED: June 11, 2021

Respectfully submitted,

RUSS, AUGUST & KABAT

By: /s/ 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 Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Attorneys for Plaintiff
SONRAI MEMORY LIMITED

RUSS, AUGUST & KABAT

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