

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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U.S. DISTRICT COURT
DISTRICT OF COLUMBIA
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NANCY M.
MAYER-WHITTINGTON
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RENASAS TECHNOLOGY)
CORPORATION)
)
Plaintiff,)
)
v.)
)
SANDISK CORPORATION)
)
Defendant.)
_____)

Case No. 1:03CV01594

Hon. Judge Rosemary M. Collyer

JURY TRIAL DEMANDED

AMENDED COMPLAINT [Fed. R. Civ. P. 15(a) & (c)(2)] UNDER 35 U.S.C. §146

This Amended Complaint is being filed "as a matter of course...before a responsive pleading is served" and "relates back to the date of the original" Complaint as per Fed. R. Civ. P. 15(a) & (c)(2).

I. The Parties

1) Plaintiff Renesas Technology Corporation (hereafter "Renesas") is a Japanese Corporation. Its address is 4-1 Marunouchi 2-chome, Chiyoda-ku, Tokyo, Japan.

2) On information and belief, defendant SanDisk Corporation (hereafter "SanDisk") is a Delaware Corporation. Its address is 140 Caspian Court, Sunnyvale, California.

II. Jurisdiction

3) This court has jurisdiction over this action being that:

- a) this court has subject matter jurisdiction over this action and personal jurisdiction over SanDisk under 35 U.S.C. §146, since there is an adverse party residing in a foreign country;
- b) this court has subject matter jurisdiction over this action under 28 U.S.C. §1338(a) and 35 U.S.C. §146 and personal jurisdiction over SanDisk under D.C. Code §13-422, §29-101.100, §29-101.04, §29-101.108, since SanDisk is registered in the District of Columbia as a Foreign Corporation under the D.C. Business Corporation Act, thereby subject it to any claim of relief; and
- c) this court has subject matter jurisdiction over this action under 28 U.S.C. §1338(a) and 35 U.S.C. §146 and “general” and “specific” personal jurisdiction over SanDisk since SanDisk has sufficient “minimum contacts” with the District of Columbia. World-Wide Volkswagen Corp. et al. v. Woodson, 444 U.S. 286 (1980), International Shoe v. Washington, 326 U.S. 310 (1945), Hollyanne Corp. v. TFT, Inc., 199 F.3d 1304 (Fed. Cir. 1999), and Akro Corp. v. Ken Luker, 45 F.3d 1541 (Fed. Cir. 1995).

III. **Procedural History**

- 4) On May 29, 2003, the Board of Patent Appeals and Interferences issued a paper in Interference No. 104,760, Yamagami et al. v. Harari et al. The paper was entitled “Decision On Yamagami

Second Request for Reconsideration And Final Judgment”

(hereafter the May 29 Decision).

- 5) The May 29 Decision indicated that the sole count in the interference is awarded against the party Yamagami.
- 6) The May 29 Decision further indicated that the party Yamagami is not entitled to a patent containing claims 9 and 14 of patent 5,644,539.
- 7) Renesas is the assignee of the party Yamagami.
- 8) On information and belief, SanDisk is the assignee of the party Harari et al.

IV. Substantive Averment

- 9) The party Yamagami was a party to the Interference No. 104,760, and it is dissatisfied with the decision of the Board of Patent Appeals and Interferences in this Interference.

V. Relief Sought

- 10) Renesas seeks a judgment:
 - a) reversing the Board's May 29 Decision that the sole count in the Interference No. 104,760 is awarded against the party Yamagami; and
 - b) reversing the Board's May 29 Decision that the party Yamagami is not entitled to a patent containing claims 9 and 14 of U.S. Patent 5,644,539.

VI. **Jury Demand**

11) Plaintiff Renesas demands a trial by jury.

Respectfully submitted,

RENESAS TECHNOLOGY
CORPORATION



October 7, 2003

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing AMENDED COMPLAINT has been served by electronic mail (email) and Federal Express delivery this 7th day of October, 2003, to Nicholas I. Porritt, Esq. (nporritt@wsgr.com), Wilson, Sonsini, Goodrich & Rosati, P.C., Two Fountain Square, Reston Town Center, 11921 Freedom Drive, Suite 600, Reston VA 20190-5634.

A handwritten signature in black ink, appearing to read 'Carl I. Brundidge', is written over a horizontal line. The signature is fluid and cursive.

Carl I. Brundidge, Esq.