

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

SMART MEMORY SOLUTIONS, LLC :

Plaintiff, :

v. :

C.A. No. :

PANASONIC CORPORATION OF :
NORTH AMERICA, TOSHIBA :
AMERICA ELECTRONIC :
COMPONENTS, INC., FUJITSU :
SEMICONDUCTOR LIMITED, and :
FUJITSU SEMICONDUCTOR :
AMERICA, INC. :

JURY TRIAL DEMANDED

Defendants. :

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, SMART MEMORY SOLUTIONS, LLC (“SMS”), by and through its attorneys, files this Complaint for patent infringement against Defendants, PANASONIC CORPORATION OF NORTH AMERICA (“Panasonic”), TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC. (“Toshiba”), FUJITSU SEMICONDUCTOR LIMITED (“Fujitsu Semiconductor”) and FUJITSU SEMICONDUCTOR AMERICA, INC. (“Fujitsu Semiconductor America”), and avers as follows:

I. Parties

1. Plaintiff SMS is a limited liability company organized and existing under the laws of Texas, having its principal place of business at 6136 Frisco Square Boulevard, Frisco, Texas 75034. SMS is the owner, through assignment, of the entire right, title and interest in United States Patent No. 5,633,832, entitled “Reduced Area Word Line Driving Circuit for Random Access Memory” (“the ‘832 Patent”).

2. Defendant Panasonic is a corporation incorporated under the laws of Delaware, having its principal place of business at One Panasonic Way, Seacaucus, NJ 07094. Upon information and belief, at all times relevant to this action, Panasonic has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, semiconductor products and systems, including microcontroller and microcomputer devices with embedded flash memory.

3. Defendant Toshiba is a corporation organized and existing under the laws of California, having its principal place of business 19900 MacArthur Blvd., Suite 400, Irvine, CA 92612. Toshiba is also registered to conduct business as a foreign entity in Delaware. Upon information and belief, at all times relevant to this action, Toshiba has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, semiconductor products and systems, including microcontroller and microcomputer devices with embedded flash memory.

4. Defendant Fujitsu Semiconductor is a Japanese corporation having its principal place of business at Nomura Shin-Yokohama Building, 2-10-23 Shin-Yokohama, Kohoku-Ku Yokohama, Kanagawa, Japan. Upon information and belief, at all times relevant to this action, Fujitsu Semiconductor has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, semiconductor products and systems, including microcontroller and microcomputer devices with embedded flash memory.

5. Defendant Fujitsu Semiconductor America is a corporation organized and existing under the laws of California, having its principal place of business at 1250 E. Arques Ave., M/S 333, Sunnyvale, CA 94085. Upon information and belief, at all times relevant to this action,

Fujitsu Semiconductor America has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, semiconductor products and systems, including microcontroller and microcomputer devices with embedded flash memory.

II. Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338, in that this action arises out of the patent laws of the United States, 35 U.S.C. §§ 1 et seq., alleging infringement by Defendants of the '832 Patent.

7. This Court has personal jurisdiction over Defendants in this district, in that Defendants, directly or through their agents, have regularly conducted business activities in Delaware; have committed infringing activities in Delaware by manufacturing, using, offering for sale, selling and/or importing products and systems that infringe the '832 Patent; and/or have placed products and systems that infringe the '832 Patent in the stream of commerce with the knowledge and intent that they would be used, offered for sale and/or, sold by others in Delaware. Personal jurisdiction over Panasonic further exists by virtue of its incorporation under the laws of Delaware.

8. Venue is proper in this district pursuant to 28 U.S.C. §§1391(c) and 1400(b), in that Defendants are subject to personal jurisdiction in this district as of the time of the commencement of this action, and are deemed, therefore, to reside in this district, and further in that Defendants regularly transact business in this district and have committed acts of infringement in this district.

III. Claims for Patent Infringement

9. SMS incorporates by reference and in their entirety the averments contained in paragraphs 1 through 8, inclusive, of this Complaint.

10. The '832 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 27, 1997, naming Vipul C. Patel, Kenneth A. Poteet and Chitranjan N. Reddy as inventors. The '832 Patent was ultimately assigned to SMS. A true and correct copy of the '832 Patent is attached as Exhibit "A" hereto.

11. The '832 Patent claims a word line driving circuit for high density random access memory (RAM) devices.

12. The '832 Patent as issued by the USPTO is valid and enforceable.

13. SMS is the exclusive and current owner of all rights, title and interest in the '832 Patent, including the right to bring this action for injunctive relief and damages.

14. Defendants have engaged and continue to engage in acts of infringement under 35 U.S.C. §271, *inter alia*, by manufacturing, using, offering for sale and/or selling, in the United States, and/or importing into the United States, flash memory devices that embody each element of at least one of the claims of the '832 Patent, including, without limitation, independent claim 1 of the '832 Patent, either literally or by equivalents.

15. One of the infringing flash memory devices that Panasonic has specifically manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States, is the Embedded Flash Memory of the Panasonic MN103S26EDC Microcomputer.

16. One of the infringing flash memory devices that Toshiba has manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States, is the Embedded Flash Macro of the Toshiba TMP91FY42FG 16-Bit Microcontroller.

17. One of the infringing flash memory devices that Fujitsu Semiconductor and Fujitsu Semiconductor America have manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States, and continue to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States, is the Embedded Flash Macro of the Fujitsu MB91F248 32-Bit Microcontroller.

18. Defendants have caused and will continue to cause SMS substantial damage and irreparable injury by virtue of their infringing activities.

19. SMS is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing activities, and to be awarded an injunction enjoining and restraining Defendants from continuing to infringe the '832 Patent.

20. Upon information and belief, Defendants had knowledge of the '832 Patent at the time they engaged in infringing activities, and their infringement of the '832 Patent has been willful and deliberate.

21. Defendants' infringement of the '832 Patent is exceptional, thereby entitling SMS to an award of attorneys' fees and costs pursuant to 35 U.C.S. §285.

22. SMS demands trial by jury on all issues so triable in this action.

IV. Prayer for Relief

WHEREFORE, SMS respectfully requests the following:

- a. That this Court enter judgment in favor of SMS and against Defendants that Defendants have infringed the '832 Patent;
- b. That this Court award a permanent injunction in favor of SMS pursuant to 35 U.S.C. §283, enjoining and restraining Defendants, their officers, directors, agents, servants and employees, licensees, successors and assigns, and those acting in concert and participating with them, and all persons acting on their behalf or within their control, from further infringing the '832 Patent;
- c. That this Court award SMS all damages adequate to compensate SMS for the harm it has suffered as a result of Defendants' infringement of the '832 Patent, together with interest and costs as fixed by the Court, all pursuant to 35 U.S.C. §284;
- d. That this Court award SMS treble damages for willful infringement pursuant to 35 U.S.C. §284;
- e. That this Court declare this case to be exceptional pursuant to 35 U.S.C. §285, and that this Court award SMS reasonable attorneys' fees and all other costs and expenses incurred in maintaining this action; and
- f. That this Court award to SMS such other and further relief as this Court deems to be just and proper.

PROCTOR HEYMAN LLP

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