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OCT 14 2011

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Clerk, U.S. District Court
Northern District of California
San Jose

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10 Attorneys for Plaintiff
TALON RESEARCH, LLC

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 TALON RESEARCH, LLC,
15 Plaintiff,

17 v.
18 HYNIX SEMICONDUCTOR AMERICA
INC.; HYNIX SEMICONDUCTOR INC.,
19 Defendants.

CASE NO. **CV 11-05058**
COMPLAINT FOR PATENT
INFRINGEMENT **EDL**

DEMAND FOR JURY TRIAL

BY FAX

21 Plaintiff Talon Research, LLC ("Talon Research") complains and alleges as follows
22 against Defendants Hynix Semiconductor America Inc. ("HSA") and Hynix Semiconductor Inc.
23 ("HSI") (collectively, "the Hynix Defendants"):

24 **THE PARTIES**

25 1. Talon Research is a limited liability company organized and existing under the
26 laws of the Delaware with its principal place of business at 4455 Camp Bowie Blvd., #74, Fort
27 Worth, Texas 76107.

28 2. Talon Research is informed and believes that HSA is a corporation organized and

1 existing under the laws of the State of California with its principal place of business at 3101
2 North First Street, San Jose, California 95134.

3 3. Talon Research is informed and believes that HSI is a corporation organized and
4 existing under the laws of South Korea with its principal place of business located in Icheon-si,
5 South Korea.

6 **JURISDICTION AND VENUE**

7 4. This is an action for patent infringement arising under the patent laws of the
8 United States, United States Code, 35 U.S.C. § 271 et seq. This Court has subject matter
9 jurisdiction over this action under Title 28 United States Code, §§ 1331 and 1338.

10 5. Talon Research is informed and believes that this Court has personal jurisdiction
11 over the Hynix Defendants because HSA's headquarters is located in San Jose, California, and
12 because the Hynix Defendants have committed, and continue to commit, acts of infringement in
13 California, including in this district. Talon Research is informed and believes that HSA also
14 maintains a registered agent in California, namely CSC – Lawyers Incorporating Service, 2730
15 Gateway Oaks Dr., Suite 100, Sacramento, California 95833.

16 6. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because the Hynix Defendants
17 have committed acts of infringement in this district.

18 **INTRADISTRICT ASSIGNMENT**

19 7. Pursuant to Local Rule 3-2(c), this case is subject to district-wide assignment
20 because it is an Intellectual Property Action.

21 **THE PATENTS**

22 8. On December 3, 1996, the USPTO duly and legally issued United States Patent
23 No. 5,581,498 (“the ’498 Patent”), entitled “Stack Of IC Chips In Lieu Of Single IC Chip.”
24 Talon Research holds all right, title, and interest in and to the ’498 Patent. A true and correct
25 copy of the ’498 Patent is attached as Exhibit A.

26 9. On September 28, 2004, the USPTO duly and legally issued United States Patent
27 No. 6,799,246 (“the ’246 Patent”), entitled “Memory Interface For Reading/Writing Data
28 From/To A Memory.” Talon Research holds all right, title, and interest in and to the ’246 Patent.

1 A true and correct copy of the '246 Patent is attached as Exhibit B.

2 **FIRST CLAIM FOR RELIEF**

3 **(Infringement of the '498 patent as to HSA)**

4 10. Talon Research incorporates by reference herein the averments set forth in
5 paragraphs 1 through 9 above.

6 11. Talon Research is informed and believes that HSA has and continues to infringe
7 directly one or more claims of the '498 Patent by making, using, offering for sale, selling and/or
8 importing the inventions covered by at least claim 9 of the '498 patent, at least by selling certain
9 multi-chip package ("MCP") or similar memory products, including, without limitation,
10 E2NAND memory products comprising two or more NAND dies and a controller in a stacked
11 configuration, *e.g.* H2DTDG8VD1MYR, H2DTEG8YD1MYR, H2DQEG8VD1MYR and
12 H2DQFG8YD1MYR.

13 12. Talon Research is informed and believes that HSA has and continues to infringe
14 indirectly one or more claims of the '498 Patent by inducing others to infringe and/or contributing
15 to the infringement by others of at least claim 9 of the '498 Patent, including customers of the
16 HSA's E2NAND memory products. Talon Research has provided HSA written notice of its
17 infringement, and HSA also has written notice of its infringement by virtue of the filing and
18 service of this Complaint.

19 13. As a result of the HSA's acts of infringement, Talon Research has suffered and
20 will continue to suffer damages in an amount to be proved at trial.

21 **SECOND CLAIM FOR RELIEF**

22 **(Infringement of the '498 patent as to HSI)**

23 14. Talon Research incorporates by reference herein the averments set forth in
24 paragraphs 1 through 9 above.

25 15. Talon Research is informed and believes that HSI has and continues to infringe
26 directly one or more claims of the '498 Patent by making, using, offering for sale, selling and/or
27 importing the inventions covered by at least claim 9 of the '498 patent, at least by selling certain
28 multi-chip package ("MCP") or similar memory products, including, without limitation,

1 E2NAND memory products comprising two or more NAND dies and a controller in a stacked
2 configuration, *e.g.* H2DTDG8VD1MYR, H2DTEG8YD1MYR, H2DQEG8VD1MYR and
3 H2DQFG8YD1MYR.

4 16. Talon Research is informed and believes that HSI has and continues to infringe
5 indirectly one or more claims of the '498 Patent by inducing others to infringe and/or contributing
6 to the infringement by others of at least claim 9 of the '498 Patent, including customers of the
7 HSA's E2NAND memory products. Talon Research has provided HSI written notice of its
8 infringement, and HSI also has written notice of its infringement by virtue of the filing and
9 service of this Complaint.

10 17. As a result of the HSI's acts of infringement, Talon Research has suffered and will
11 continue to suffer damages in an amount to be proved at trial.

12 **THIRD CLAIM FOR RELIEF**

13 **(Infringement of the '246 patent as to HSA)**

14 18. Talon Research incorporates by reference herein the averments set forth in
15 paragraphs 1 through 9 above.

16 19. Talon Research is informed and believes that HSA has and continues to infringe
17 directly one or more claims of the '246 Patent by making, using, offering for sale, selling and/or
18 importing the inventions covered by at least claim 1 of the '246 patent, at least by selling products
19 incorporating eMMC compliant controllers, including, without limitation, HSA's e-NAND
20 products, *e.g.*, H26M31001FPR, H26M42001EFR, H26M54001BKR and H26M68001ANR.

21 20. Talon Research is informed and believes that HSA has and continues to infringe
22 indirectly one or more claims of the '246 Patent by inducing others to infringe and/or contributing
23 to the infringement by others of at least claim 1 of the '246 Patent, including customers of HSA's
24 eMMC compliant controllers. Talon Research has provided HSA written notice of its
25 infringement, and HSA also has written notice of its infringement by virtue of the filing and
26 service of this Complaint.

27 21. As a result of HSA's acts of infringement, Talon Research has suffered and will
28 continue to suffer damages in an amount to be proved at trial.

FOURTH CLAIM FOR RELIEF

(Infringement of the '246 patent as to HSI)

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3 22. Talon Research incorporates by reference herein the averments set forth in
4 paragraphs 1 through 9 above.

5 23. Talon Research is informed and believes that HSI has and continues to infringe
6 directly one or more claims of the '246 Patent by making, using, offering for sale, selling and/or
7 importing the inventions covered by at least claim 1 of the '246 patent, at least by selling products
8 incorporating eMMC compliant controllers, including, without limitation, HSI's e-NAND
9 products, *e.g.*, H26M31001FPR, H26M42001EPR, H26M54001BKR and H26M68001ANR.

10 24. Talon Research is informed and believes that HSI has and continues to infringe
11 indirectly one or more claims of the '246 Patent by inducing others to infringe and/or contributing
12 to the infringement by others of at least claim 1 of the '246 Patent, including customers of HSI's
13 eMMC compliant controllers. Talon Research has provided HSI written notice of its
14 infringement, and HSI also has written notice of its infringement by virtue of the filing and
15 service of this Complaint.

16 25. As a result of HSI's acts of infringement, Talon Research has suffered and will
17 continue to suffer damages in an amount to be proved at trial.

18 **PRAYER**

19 WHEREFORE, Talon Research requests a judgment:

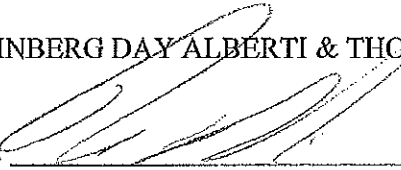
- 20 A. That HSA has infringed one or more claims of United States Patent No. 5,581,498;
21 B. That HSI has infringed one or more claims of United States Patent No. 5,581,498;
22 C. That HSA has infringed one or more claims of United States Patent No. 6,799,246;
23 D. That HSI has infringed one or more claims of United States Patent No. 6,799,246;
24 E. That United States Patent No. 5,581,498 is valid and enforceable;
25 F. That United States Patent No. 6,799,246 is valid and enforceable;
26 G. Awarding to Talon Research its damages caused by HSA's infringement of United
27 States Patent Nos. 5,581,498, including an assessment of pre-judgment and post-
28 judgment interest and costs;

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- H. Awarding to Talon Research its damages caused by HSI's infringement of United States Patent Nos. 5,581,498, including an assessment of pre-judgment and post-judgment interest and costs;
- I. Awarding to Talon Research its damages caused by HSA's infringement of United States Patent Nos. 6,799,246, including an assessment of pre-judgment and post-judgment interest and costs;
- J. Awarding to Talon Research its damages caused by HSI's infringement of United States Patent Nos. 6,799,246, including an assessment of pre-judgment and post-judgment interest and costs;
- K. That this is an exceptional case and awarding Talon its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- L. Awarding Talon Research such other and further relief as the Court may deem just and proper.

Dated: October 14, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

By: 

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David Alberti
Sal Lim
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Marc Belloli

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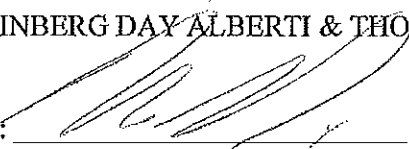
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DEMAND FOR JURY TRIAL

Talon Research demands trial by jury for all issues so triable pursuant to Fed. R. Civ. Pro. 38(b) and Civil L.R. 3-6(a).

Dated: October 14, 2011

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