5 6

7 8

9

10

11 12

13 14

15 16

17 18

19

2021

2223

2425

2728

26

NOW WELL SOIL

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES B. GOODMAN,

Duncan M. McNeill

1514 Van Dyke Avenue

San Francisco, CA 94124 415 752-5063 Telephone 415 752-5063 Facsimile

dmcneill1@netzero.com Fed. Bar No. 136416

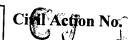
Attorney for the Plaintiff

Plaintiff,

VS.

NANYA TECHNOLOGY CORP.

Defendant.



COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

HRI

NOW COMES Plaintiff, JAMES B. GOODMAN ("Goodman"), through his attorneys, and files this Complaint for Patent Infringement and Demand for Jury Trial against Nanya Technologies Corporation.

PARTIES

- 1. Plaintiff Goodman is an individual residing in the State of Texas.
- 2. On information and belief from the website for Nanya Technology Corporation (hereinafter "Nanya"), Nanya has its corporate office at Hwa Ya Technology Park 669, Fu Hsing 3rd Road, Kueishan, Taoyuan, Taiwan, and Nanya has a corporate subsidiary for sales and technical support in the U.S.A. at 5104 Old Ironsides, Drive, Suite 113, Santa Clara, CA 95054.

JURISDICTION AND VENUE

- 3. This is an action for patent infringement of United States Patent No. 6,243,315 (hereinafter "The '315 Patent") pursuant to the laws of the United States of America as set forth in Title 35 Sections 271 and 281 of the United States Code. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Sec. 1338(a) and 28 U.S.C. Sec. 1331. Venue is proper in this judicial district under 28 U.S.C. §§§ 1391(b), © and 1400(b).
- 4. On information and belief, Nanya is subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due to at least its business presence in this forum, including the infringement alleged herein.
- 5. On information and belief, Nanya, directly and/or through intermediaries, advertise at least through web sites, offered to sell, sold and/or distributed infringing products, and/or have induced the sale and use of infringing products. In addition, and on information and belief, Nanya is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California.
- 6. Venue is proper in this district because on information and belief, Nanya has committed at least a portion of the infringements at issue in this case, and has a corporate presence in this forum.

INTRADISTRICT ASSIGNMENT

7. This is an action for Patent Infringement, which is an excepted category under Civil L.R. 3-2©. Pursuant to Civil L.R. 3-2©, this action is assigned on a district-wide basis.

CAUSES OF ACTION FOR PATENT INFRINGEMENT

- 8. On June 5, 2001, the '315 Patent entitled "COMPUTER MEMORY SYSTEM WITH A LOW POWER MODE", was duly and legally issued to James B. Goodman, as the sole patentee.
- 9. Plaintiff Goodman is the sole owner of the '315 Patent, and has standing to bring this action.

COUNT ONE

- 10. Plaintiff Goodman repeats and incorporates herein the allegations contained in paragraphs 1 through 9 above.
- 11. Nanya is infringing at least claim 1 of the '315 Patent at the least with its products known in the industry as "Mobile DRAM".

JURY DEMAND

12. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial as to all issues in this lawsuit.

28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

- a. enter judgment for Plaintiff on this Complaint;
- b. order that an accounting be had for the damages caused to the Plaintiff by the infringing activities of the Defendant;
- c. award Plaintiff interest and costs; and
- d. award Plaintiff such other and further relief as this Court may deem just and equitable.

THE PLAINTIFF JAMES B. GOODMAN

Of Counsel:
David Fink
Fink & Johnson
7519 Apache Plume
Houston, Texas 77071
713.729.4991 Tel
713.729.4951 Fax
federallitigationlaw@gmail.com

Duncan M. McNeill 1514 Van Dyke Avenue San Francisco, CA 94124 415 752-5063 Telephone 415 752-5063 Facsimile dmcneill1@netzero.com Fed. Bar No. 136416

Attorney for the Plaintiff