UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

In the Matter of	
CERTAIN STATIC RANDOM ACCESS MEMORIES AND PRODUCTS CONTAINING SAME	**Investigation No. 337-TA-___**

COMPLAINT OF CYPRESS SEMICONDUCTOR CORPORATION UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

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3. Certified Copy of United States Patent No. 7,142,477
4. Certified Copy of United States Patent No. 6,262,937
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I. INTRODUCTION

1.1. Complainant Cypress Semiconductor Corporation ("Cypress") requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), to remedy the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation by the owner, importer, or consignee (or any agent of the owner, importer or consignee), of certain Static Random Access Memories (SRAM) and products containing same (collectively "accused" or "infringing products") that infringe valid and enforceable United States patents owned by Cypress.

1.2. On information and belief, the proposed respondents, GSI Technologies, Inc., Alcatel-Lucent, Telefonaktiebolaget LM Ericsson, Motorola Solutions, Inc., Nu Horizons Electronics Corp., and Arrow Electronics, Inc. (collectively "proposed respondents" or "respondents"), have engaged in violations of Section 337 through the unlicensed importation into the United States, the sale for importation, and/or the sale within the United States after importation of the Accused Products that infringe one or more claims of United States Patent Nos. 6,534,805 ("the '805 patent"), 6,651,134 ("the '134 patent"), 7,142,477 ("the '477 patent"), and 6,262,937 ("the '937 patent") (collectively, the "Cypress Patents" or "asserted patents").

1.3. Certified copies of the Cypress Patents accompany this Complaint as Exhibits 1-4. Cypress owns by assignment the right, title, and interest in and to these patents. Certified copies of the recorded assignments of the Cypress Patents accompany this Complaint as Exhibit 5.[1]

1.4. As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to Cypress' SRAM products, all of which are covered by each of the

[1] Certified copies of patents, assignments, and prosecution histories have been ordered and will be submitted upon receipt.

Cypress Patents.

1.5. Complainant seeks an exclusion order, pursuant to Section 337(d), permanently excluding the accused products from entry into the United States. Complainant also seeks cease and desist orders, pursuant to Section 337(f), directing each respondent and its related entities to cease and desist the importation into the United States, the sale for importation, and/or the sale within the United States after importation of the accused products. Complainant also requests that the cease and desist orders direct each respondent and its related entities and agents to cease distributing, selling or offering for sale the accused products, and to cease transferring, moving, or shipping their United States inventory of the accused products.

II. COMPLAINANT

2.1. Cypress is a Delaware corporation having a principal place of business at 198 Champion Court, San Jose, California 95134. Cypress has invested extensively in developing advanced integrated circuits, including spending over $180 million annually for research and development efforts in the U.S. and abroad.

2.2. Cypress has also invested heavily in the protection of its intellectual property, which includes approximately 1800 patents and over 1000 pending applications globally in a variety of semiconductor-related technologies.

2.3. Cypress is an industry leader in Static Random Access Memory (SRAM), including high-performance synchronous SRAMs, low-power asynchronous SRAMs, fast asynchronous SRAMs, non-volatile SRAMs, and dual-port SRAMs. Cypress has been a pioneer in the SRAM field for decades, spending over $29 million for R&D and $73 million for fabrication of SRAM in the U.S. in 2010 alone.

2.4. Cypress also combines analog, digital, and microcontroller technologies to deliver

high-performance programmable system on chip (PSOC) devices, providing customers differentiated value with the flexibility to customize their own line of products.

2.5. Cypress' innovations are incorporated in, for example, consumer electronics such as touchscreen devices, mobile handsets, networking equipment, video and imaging devices, as well as military communication devices.

2.6. Over the years, Cypress has grown its business by, among other things, funding and investing in internal startups. One of the startups funded by Cypress is Cypress Semiconductor Minnesota Inc. ("CMI"). CMI is a wholly-owned subsidiary of Cypress. In 1990, CMI was launched, and in 1995, CMI acquired a facility in Bloomington, Minnesota ("Cypress Minnesota Fab") for wafer fabrication and manufacturing.

2.7. The Cypress Minnesota Fab is home to more than 500 employees residing in the State of Minnesota and manufactures many of the Cypress memory products that help Cypress leapfrog the competition with the world's highest-density and highest bandwidth SRAM. In addition to making SRAMs, the Cypress Minnesota Fab also produces USB devices, programmable clocks, and many different varieties of memory chips, all of which have become the centerpiece of Cypress' programmable products strategy that brings higher value devices to market that can be customized by customers for end products.

2.8. Cypress has invested heavily in the Cypress Minnesota Fab. The Cypress Minnesota Fab has now become a launch-point and world-class facility for Cypress' process and manufacturing innovation, and the main facility for high-volume and mass production for memory products. The Cypress Minnesota Fab makes SRAM products that compete with GSI's infringing products and use inventions of the patents-in-suit identified below.

2.9. Additional information about Cypress is attached as Exhibit 6, and Cypress' most recent Quarterly Report and Annual Report are available via its web site, investors.cypress.com.

III. PROPOSED RESPONDENTS

3.1. On information and belief, proposed respondent **GSI Technology, Inc.** ("GSI") is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at 1213 Elko Drive, Sunnyvale, California 94089. On information and belief, GSI designs, develops and markets Static Random Access Memory (SRAM), which it sells primarily for networking and telecommunications equipment such as routers and switches—SRAM is GSI's sole business. *See* Exhibit 7 (Corporate Information for GSI), Exhibit 13 (Annual Report for GSI) at 3-14; *see also* GSI's website http://www.gsitechnology.com/about.htm.

3.2. On information and belief, GSI's SRAM are manufactured, assembled, and/or packaged outside of the United States. *See* Exhibit 13 (Annual Report for GSI) at 12 ("We outsource our [SRAM] wafer fabrication, assembly, and a significant portion of our testing."). Specifically, on information and belief, GSI engages Taiwan Semiconductor Manufacturing Company ("TSMC") (a company organized and existing under the laws of Taiwan with its principal place of business located at No. 8, Li-Hsin Road VI, Hsinchu Science Park, Hsinchu, Taiwan 300) for production of the accused SRAM products, in whole or in part, that infringe the asserted patents. *See* Exhibit 13 (Annual Report for GSI) at 5, 12 ("Currently, all of our [SRAM] wafers are manufactured by TSMC.").

3.3. On information and belief, and by way of example, GSI's SRAM are further processed, manufactured, assembled, tested, and/or packaged outside of the United States at Advanced Semiconductor Engineering ("ASE") (a corporation organized and existing under the

laws of Taiwan with its principal place of business at No. 26, Chin 3rd Road, Nantze Export Processing Zone, Kaohsiung, Taiwan.) *See* Exhibit 13 (Annual Report for GSI) at 5, 12 ("All of our manufactured [SRAM] wafers are tested for electrical compliance and most are packaged at Advanced Semiconductor Engineering, or ASE, which is located in Taiwan."); see also ASE's website http://www.asetwn.com.tw/content/2.html.

3.4. On information and belief, GSI works in concert with TSMC, ASE, original equipment manufacturers ("OEMs"), contract manufacturers, consignment warehouses, and distributors to import the accused products into the United States, sell the accused products for importation into the United States, and/or sell the accused products after they have been imported into the United States. *See* Exhibit 13 (Annual Report for GSI) at 10 ("Our primary sales and marketing strategy is to achieve design wins with OEM customers who are leading networking and telecommunication companies....Many of our OEM customers use contract manufacturers to assemble their equipment. Accordingly, a significant percentage of our net revenues is derived from sales to these contract manufacturers and to consignment warehouses who purchase products from us for use by contract manufacturers. In addition, we sell our products to networking and telecommunications OEM customers indirectly through domestic and international distributors."); *see also,* Exhibit 17 (Product Literature for Representative Accused GSI Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

3.5. On information and belief, proposed respondent **Alcatel-Lucent** ("ALU") is a corporation organized and existing under the laws of France with its principal place of business located at 54, rue La Boétie, 75008 Paris, France. *See* Exhibit 8 (Corporate Information for ALU). On information and belief, ALU is an OEM customer of GSI that purchases the accused SRAM, and then incorporates one or more of the Accused Products into downstream products, including

networking products such as routers and switches. *See* Exhibit 13 (GSI Annual Report) at 3 ("We sell our products to leading [OEM] customers including Alcatel-Lucent."), 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010: Alcatel-Lucent..."). On information and belief, ALU and/or others acting in concert with ALU, or on ALU's behalf, import those products into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See, e.g.,* Exhibit 18 (Product Literature for Representative Downstream Alcatel-Lucent Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

3.6. On information and belief, proposed respondent **Telefonaktiebolaget LM Ericsson** ("Ericsson") is a corporation organized and existing under the laws of Sweden with its principal place of business located at Torshamnsgatan 23, Kista, Stockholm, SE-164 83, Sweden. *See* Exhibit 9 (Corporate Information for Ericsson). On information and belief, Ericsson is an OEM customer of GSI that purchases the accused SRAM, and then incorporates one or more of the Accused Products into downstream products, including networking products such as routers and switches. *See* Exhibit 13 (GSI Annual Report) at 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010: ...Ericsson..."). On information and belief, Ericsson and/or others acting in concert with Ericsson, or on Ericsson's behalf, import those products into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See, e.g.,* Exhibit 19 (Product Literature for Representative Downstream Ericsson Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

3.7. On information and belief, proposed respondent **Motorola Solutions, Inc.**

("Motorola") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 1303 East Algonquin Road, Schaumburg, Illinois 60196. *See* Exhibit 10 (Corporate Information for Motorola). On information and belief, Motorola is an OEM customer of GSI that purchases the accused SRAM, and then incorporates one or more of the Accused Products into downstream products, including networking products such as routers. *See* Exhibit 13 (GSI Annual Report) at 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010: ...Motorola..."). On information and belief, Motorola and/or others acting in concert with Motorola, or on Motorola's behalf, import those products into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See, e.g.,* Exhibit 20 (Product Literature for Representative Downstream Motorola Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

3.8. On information and belief, proposed respondent **Arrow Electronics, Inc.** ("Arrow") is a corporation organized and existing under the laws of New York with its principal place of business located at 50 Marcus Drive, Melville, NY 11747. *See* Exhibit 11 (Corporate Information for Arrow). Arrow also wholly owns respondent Nu Horizons Electronics Corp. *Id.* at 3. On information and belief, Arrow is a distributor customer of GSI that purchases the accused SRAM, and then distributes/resells them in the U.S. *See* Exhibit 13 (GSI Annual Report) at 11 ("We believe that our relationship with our...U.S. distributors, Arrow...and Nu Horizons, puts us in a strong position to address the...SRAM market in the U.S."). Arrow and/or others acting in concert with Arrow import those products into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See, e.g.,* Exhibit 21 (Product Literature for Representative Downstream Arrow Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

3.9. On information and belief, proposed respondent **Nu Horizons Electronics Corp.** ("Nu Horizons") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 70 Maxess Road, Melville, NY 11747. *See* Exhibit 12 (Corporate Information for Arrow). Nu Horizons is a wholly-owned subsidiary of respondent Arrow. *Id.* at 1, 3, 4. On information and belief, Nu Horizons is a distributor customer of GSI that purchases the accused SRAM, and then distributes/resells them in the U.S. *See* Exhibit 13 (GSI Annual Report) at 11 ("We believe that our relationship with our…U.S. distributors, Arrow…and Nu Horizons, puts us in a strong position to address the…SRAM market in the U.S."). Nu Horizons and/or others acting in concert with Nu Horizons import those products into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See, e.g.,* Exhibit 22 (Product Literature for Representative Downstream Nu Horizons Products); Exhibit 26 (Declaration Regarding Downstream Respondents).

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

4.1. The technology and products at issue generally relate to memory devices, and more particularly to SRAM. RAM is generally used to store instructions or data that can be read and modified. RAM storage is generally volatile, and must remain powered-up in order to preserve the instructions or data stored therein.

4.2. A semiconductor memory generally stores information digitally in the form of binary digits or bits. The memory is typically organized as a matrix of memory cells each of which is capable of storing one bit. The cells of the memory matrix are accessed by wordlines and bitlines. Wordlines are typically associated with the rows of the memory matrix, and bitlines with the columns. Raising a wordline activates a given row; the bitlines are then used to read from or write to the corresponding cells in the currently active row. Information is stored in the memory by setting

each cell in an appropriate logic state (e.g., "1" or "0").

4.3. In an SRAM, each memory cell includes transistor-based circuitry that implements a bi-stable latch. The bi-stable latch relies on transistor gain and positive feedback to guarantee that it can only assume one of two states (e.g., "ON" or "OFF"). The latch is stable in either state. It can be induced to change from one state to the other. When left undisturbed, it will remain in its original state indefinitely. As such, once a bit value has been written to a memory cell, it will be retained until it is deliberately changed.

4.4. Generally, SRAM are fabricated using metal-oxide-semiconductor (MOS) integrated circuits. Manufacturers of modern integrated circuits seek to produce transistors that are as fast as possible and have feature sizes as small as possible. As feature sizes decrease, so do the sizes of the resulting transistors and the interconnects between the transistors. Fabrication of smaller transistors allows more transistors to be placed on a single monolithic substrate, thereby allowing relatively large SRAM to be incorporated on a single, relatively small die area.

4.5. Virtually all types of high-performance electronic systems incorporate SRAMs, particularly telecommunications and networking gear such as switches and routers——products costing on the order of tens- to hundreds-of-thousands of dollars. *See* Exhibit 13 (Annual Report for GSI) at 3.

V. THE '805 PATENT

A. Identification of the Patent and Ownership by Cypress

5.1. The '805 patent is entitled "SRAM Cell Design" and issued March 18, 2003. *See* Exhibit 1 (the '805 Patent). The '805 patent issued from U.S. Patent Application No. 09/829,510, filed April 9, 2001. The '805 patent identifies Bo Jin as the sole inventor.

5.2. Cypress is the owner, by valid assignment, of the right, title, and interest in and to the '805 patent. *See* Exhibit 1 (Face of '805 Patent), Exhibit 5 (Assignments). The '805 patent is valid,

enforceable, and currently is in full force and effect.

5.3. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices A and E containing: a certified copy and three additional copies of the prosecution history of the '805 patent, and four copies of each patent and applicable pages of each technical reference mentioned in that prosecution history.[2]

B. Non-Technical Description of the Patented Invention[3]

5.4. The '805 patent relates to a new circuit configuration of memory cells (e.g., memory cells in a SRAM) that allows cell features to be arranged in such a way as to minimize cell size. The new circuit configuration also helps to reduce manufacturing complexities (e.g., in photolithography) while allowing feature sizes to be reduced to increase device speeds. The new circuit configuration also allows wordlines that traverse the memory cell to be eliminated, which can minimize cell size further by reducing the density of features required on the memory cell.

5.5. The new circuit configuration of the '805 patent provides a layout where a memory cell is formed on a semiconductor substrate. Within the semiconductor substrate, there is a series of four substantially oblong active regions that are arranged side-by-side with long axes substantially parallel. The active regions include inner active regions and outer active regions. Each of the inner active regions includes a pair of source/drain regions of a transistor type (for example, a p-channel transistor). On the other hand, each of the outer active regions of the series includes a pair of source/drain regions for the opposite transistor type (for example, an n-channel transistor). An example of the new circuit configuration as described in the '805 patent is shown below.

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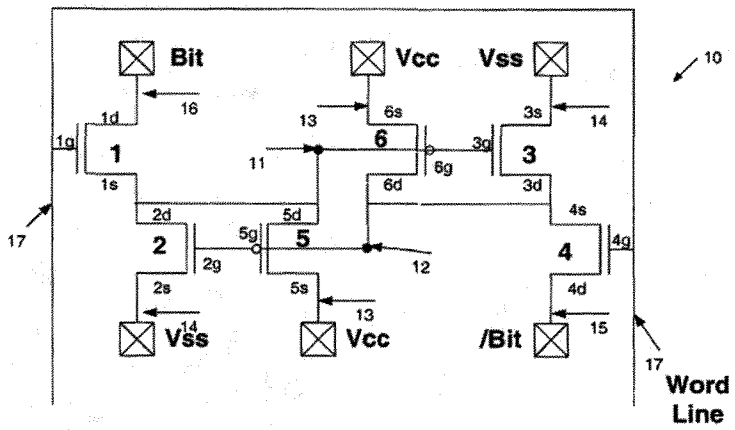
[2] Certified copies of patents, assignments, and prosecution histories have been ordered and will be submitted upon receipt.

[3] The content of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '805 patent.



C. Foreign Counterparts

5.6. No foreign patents or patent applications corresponding to the '805 patent have been filed, abandoned, withdrawn or rejected.

VI. THE '134 PATENT

A. Identification of the Patent and Ownership by Cypress

6.1. The '134 patent is entitled "Memory Device With Fixed Length Non Interruptible Burst" and issued November 18, 2003. *See* Exhibit 2 (the '134 Patent). The '134 patent issued from U.S. Patent Application No. 09/504,344, filed February 14, 2000. The '134 patent identifies Cathal G. Phelan as the sole inventor.

6.2. Cypress is the owner, by valid assignment, of the right, title, and interest in and to the '134 patent. *See* Exhibit 2 (Face of '134 Patent), Exhibit 5 (Assignments). The '134 patent is valid, enforceable, and currently is in full force and effect.

6.3. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices B and E containing: a certified copy and three additional copies of the prosecution history of the '134 patent, and four copies of each patent and applicable pages of each technical reference mentioned in that prosecution history.[4]

[4] Certified copies of patents, assignments, and prosecution histories have been ordered and will be submitted upon receipt.

B. Non-Technical Description of the Patented Invention[5]

6.4. The '134 patent relates to a memory product with certain features, including a fixed burst memory. A "burst" memory generally allows multiple (and typically consecutive) addresses to be read using a single address. A fixed burst memory transfers a fixed number of words with each access (e.g., read or write access). Specifically, a fixed burst memory provides data from multiple address locations that can be accessed using a single address, and whose burst mode can be started and stopped using a control signal to avoid overwhelming the address and control buses. Unlike conventional memories that can interrupt data burst transfers to perform data refreshes, the fixed burst memory provides non-interruptible bursts, and operates at higher frequencies without needing interrupts to perform data refreshes.

6.5. In general, the '134 patent describes a memory that includes a plurality of storage elements each configured to read and write data in response to an internal address signal. The memory also includes a logic circuit to generate a predetermined number of the internal address signals in response to (i) an external address signal, (ii) a clock signal and (iii) one or more control signals. The generation of the predetermined number of internal address signals is non-interruptible. An example of the memory as described in the '134 patent is shown below.

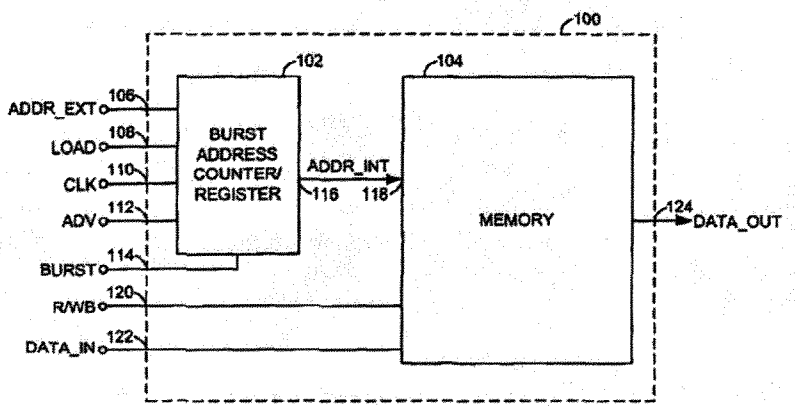


FIG. 1

[5] The content of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '134 patent.

C. Foreign Counterparts

6.6. No foreign patents or patent applications corresponding to the '134 patent have been filed, abandoned, withdrawn or rejected.

VII. THE '477 PATENT

A. Identification of the Patent and Ownership by Cypress

7.1. The '477 patent is entitled "Memory Interface System and Method for Reducing Cycle Time of Sequential Read and Write Accesses using Separate Address and Data Buses" and issued November 28, 2006. *See* Exhibit 3 (the '477 Patent). The '477 patent issued from U.S. Patent Application No. 10/871,825, filed June 18, 2004. The '477 patent names Thinh Tran, Joseph Tzou, and Suresh Parameswaran as joint inventors.

7.2. Cypress is the owner, by valid assignment, of the right, title, and interest in and to the '477 patent. *See* Exhibit 3 (Face of '477 Patent), Exhibit 5 (Assignments). The '477 patent is valid, enforceable, and currently is in full force and effect.

7.3. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices C and E containing: a certified copy and three additional copies of the prosecution history of the '477 patent, and four copies of each patent and applicable pages of each technical reference mentioned in that prosecution history.[6]

B. Non-Technical Description of the Patented Invention[7]

7.4. The '477 patent relates to an increased data-rate memory. A memory, such as a QDR ("Quad Data Rate") SRAM, is disclosed that provides increased data rate by utilizing separate read and write address buses internal to the device. Unlike conventional SRAMs which can perform only one type of action—either a read action or a write action—in a given cycle time, the dual address bus

[6] Certified copies of patents, assignments, and prosecution histories have been ordered and will be submitted upon receipt.

[7] The content of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '477 patent.

architecture of the '477 patent allows concurrent accesses. That is, the dual address bus architecture allows a write access and a read access to occur in a single cycle, thus increasing the amount of data that can be read from and written to the memory in a given time period.

7.5. In general, the '477 patent describes a memory architecture having an array of storage elements and having two internal address buses, an internal read address bus and an internal write address bus. The two internal address buses are connected to a multiplexer that can choose one bus or the other. The write address bus stores the write address and presents the stored write address as an input to the multiplexer. The read address bus is parallel to the write address bus and provides a read address as another input to the multiplexer. By providing two buses, write data may be written to the array at the write address while read data is sensed at the read address. An example of a memory as described in the '477 patent is shown in Figure 2 and is shown below:

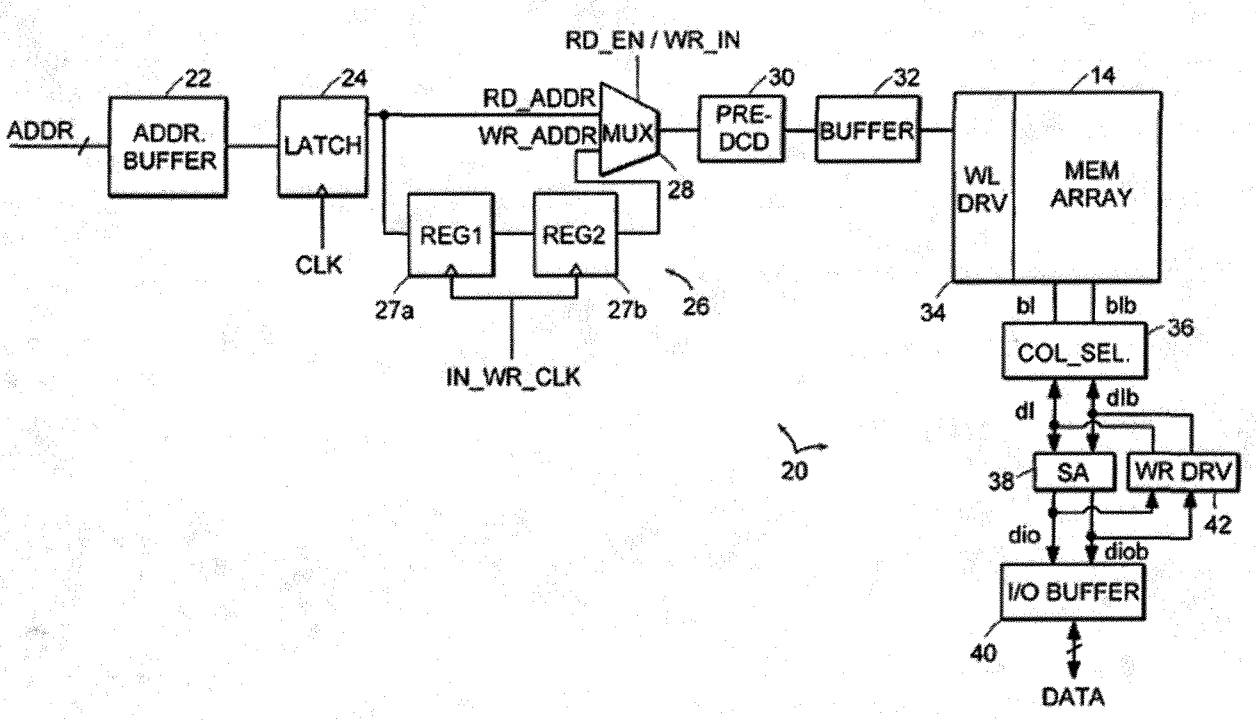


FIG. 2

C. Foreign Counterparts

7.6. No foreign patents or patent applications corresponding to the '477 patent have been filed, abandoned, withdrawn or rejected.

VIII. THE '937 PATENT

A. Identification of the Patent and Ownership by Cypress

8.1. The '937 patent is entitled "Synchronous Random Access Memory Having A Read/Write Address Bus and Process for Writing To and Reading From The Same" and issued July 17, 2001. *See* Exhibit 4 (the '937 Patent). The '937 patent issued from U.S. Patent Application No. 09/238,954, filed January 27, 1999. The '937 patent names Matthew R. Arcoleo, Cathal G. Phelan, Ashish Pancholy, and Simon J. Lovett as joint inventors.

8.2. Cypress is the owner, by valid assignment, of the right, title, and interest in and to the '937 patent. *See* Exhibit 4 (Face of '937 Patent), Exhibit 5 (Assignments). The '937 patent is valid, enforceable, and currently is in full force and effect.

8.3. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices D and E containing: a certified copy and three additional copies of the prosecution history of the '937 patent, and four copies of each patent and applicable pages of each technical reference mentioned in that prosecution history.[8]

B. Non-Technical Description of the Patented Invention[9]

8.4. The '937 patent relates to an increased data-rate random access memory. The memory allows read and write operations to be executed in the same clock cycle. The memory also allows successive asserted addresses for read and write operations to be unrelated.

8.5. In general, the '937 patent has an input data bus, an output data bus, and an address

[8] Certified copies of patents, assignments, and prosecution histories have been ordered and will be submitted upon receipt.

[9] The content of this Complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '937 patent.

bus that carries both read and write addresses. The read address is accessed on one transition of a periodic signal and the write address is accessed on a complimentary transition of the periodic signal. An example of a memory as described in the '937 patent is shown in Figure 2 as shown below:

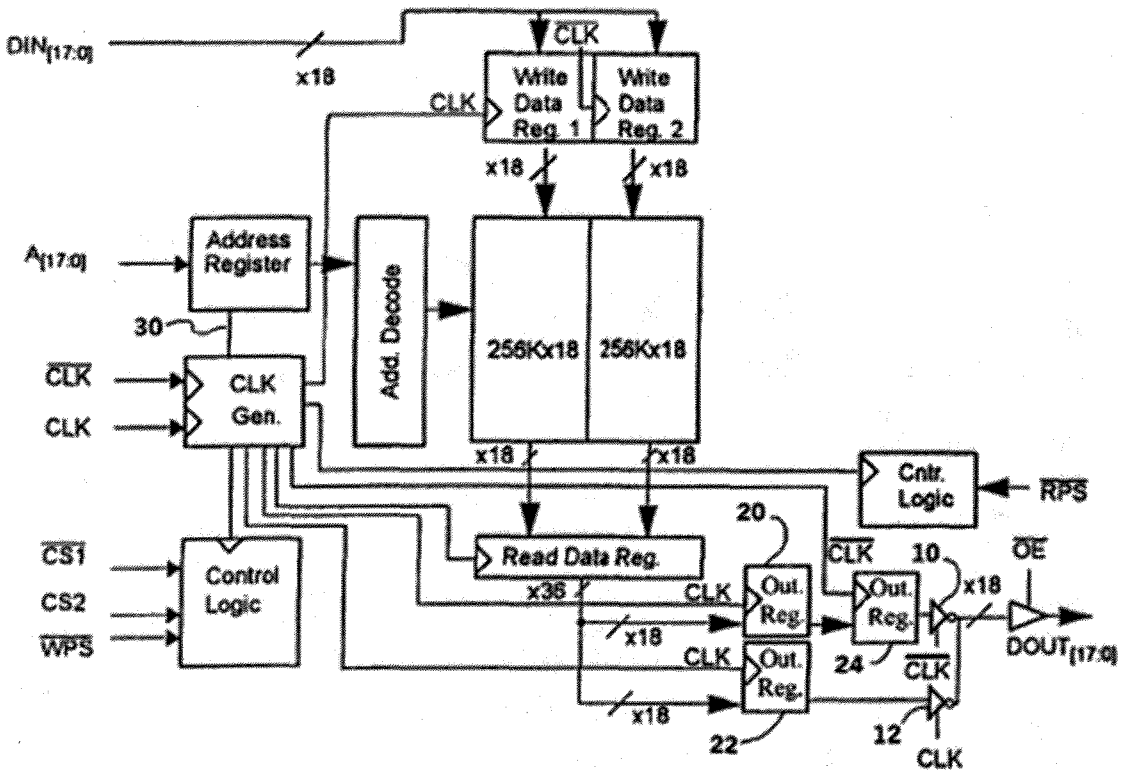


Fig. 2

C. Foreign Counterparts

8.6. The '937 patent has three foreign counterparts, Israel No. 48832DO/A filed March 21, 2002, Israel No. 29309DO/A filed April 4, 1999, and Japan No. 11328975A/04493116B2 filed March 12, 1999, all claiming priority from the same application. No other foreign patents or patent applications corresponding to the '937 patent have been filed, abandoned, withdrawn or rejected.

IX. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

9.1. On information and belief, proposed Respondents and their accused SRAM and

products containing same ("the accused products") directly infringe, contributorily infringe, and/or induce the infringement of at least the following independent and dependent claims of the asserted patents: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. Discovery may reveal that proposed respondents infringe additional claims of the asserted patents.

9.2. On information and belief, GSI designs, develops, and arranges for the manufacture of the Accused SRAM outside of the United States—specifically, at least, in Taiwan—and GSI, along with ALU, Ericsson, Motorola, Arrow, Nu Horizons and/or others import those Accused SRAM and/or downstream products that incorporate such Accused SRAM into the United States, sell them for importation into the United States, and/or sell them after they have been imported into the United States. *See* § III *supra.*

9.3. On information and belief, the accused products that infringe one or more of the asserted claims include, but are not limited to the following SRAM and products containing same: GSI's SRAM products, including the Sigma DDR, SigmaQuad-II, and SigmaQuad-III families of memory products. Exemplary photographs and product literature for representative accused products are attached to this Complaint as Exhibits 15, 17, and 27-30. Discovery may reveal additional products that infringe.

9.4. Respondents actively induce others to infringe the Asserted Claims through their sale of the Accused Products and products containing same, along with directions, demonstrations, guides, manuals, training for use, and other materials that encourage the infringing use of the Accused Products and products containing same. Respondents induce such infringing acts and know or should know that their actions induce actual infringement of the Asserted Patents. In addition, Respondents contributorily infringe certain of the Asserted Claims through their sale and offers to sell within the United States and/or imports into the United States of the Accused Products and/or

products containing same for use in practicing a process, constituting a material part of the Asserted Claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

9.5. Respondents have been notified of their infringement of the asserted patents by service of this Complaint. Complainant also provided notice of Respondent GSI's infringement of the '805, '134, and '477 patents by filing suit alleging infringement of those three patents in the U.S. District Court for the District of Minnesota prior to the filing of this Complaint.

9.6. Claim charts demonstrating how exemplary accused SRAM products (1) produced by GSI, (2) incorporated in the downstream products of ALU, Ericsson, and Motorola, and (3) distributed by Arrow and Nu Horizons infringe the asserted independent claims of the asserted patents — claim 1 of the '805 patent; claim 1 of the '134 patent; claim 8 of the '477 patent; and claim 1 of the '937 patent — are attached as Exhibits 27, 28, 29 and 30 respectively.[10]

X. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

10.1. The Accused Products and products containing same are believed to fall within at least the following classifications of the Harmonized Tariff Schedules of the United States ("HTSUS"): 8542.32.40, 8517.18.50, 8517.62.00, 8534.00.00, and/or 8543.90.68. These classifications are intended for illustrative purposes only, as reflective and representative of a broader set of HTSUS headings, and are not intended to restrict the scope or type of Accused Product.

10.2. Further discovery likely will reveal additional specific acts of GSI's importation of the accused products into the United States, sale for importation, and/or sale in the United States after importation, as well as additional specific acts of ALU's, Ericsson's, Motorola's, Arrow's, and Nu Horizons' importation, sale for importation, and/or sale in the United States after importation of the

[10] Those claim charts demonstrate, *inter alia*, how SRAM that are produced by proposed respondent GSI infringes all of the asserted patents.

accused SRAM products designed, developed and manufactured by or on behalf of GSI in whole or part, and/or products that incorporate the accused SRAM products manufactured by or on behalf of ALU, Ericsson, Motorola, Arrow, and/or Nu Horizons.

A. GSI

10.3. On information and belief, GSI designs, develops and arranges for the manufacture overseas of the accused SRAM—SRAM is GSI's exclusive business. *See* Exhibit 13 (Annual Report for GSI) at 3 ("We develop and market [SRAM] products that are incorporated primarily in high-performance networking and telecommunications equipment such as routers [and] switches."), 5 ("We maintain our own process engineering capability and resources, which are located in close physical proximity to our manufacturer, Taiwan Semiconductor Manufacturing Company, or 'TSMC.' This enhances our ability to work closely with TSMC to develop certain modifications of the advanced process technologies used in the manufacturing of our [SRAMs].").

10.4. On information and belief, TSMC offers various types of services, including but not limited to, foundry services and other fabrication activities to companies, including at least GSI, that are involved in the business of supplying SRAM. In particular, on information and belief, TSMC manufacturers SRAM in Taiwan, which are sold or otherwise obtained by GSI for subsequent sales. *See* Exhibit 13 (Annual Report for GSI) at 12 ("Currently, all of our wafers are manufactured by TSMC under individually negotiated purchase orders."), 26 ("... a substantial portion of our products is manufactured and tested in Taiwan.").

10.5. On information and belief, GSI's SRAM are further processed, manufactured, assembled, tested, and/or packaged outside of the United States at Advanced Semiconductor Engineering ("ASE"). *See* Exhibit 13 (Annual Report for GSI) at 5, 12 ("All of our manufactured [SRAM] wafers are tested for electrical compliance and most are packaged at Advanced

Semiconductor Engineering, or ASE, which is located in Taiwan.").

10.6. A significant portion of GSI's accused SRAM products are imported into the United States. *See*, Exhibit 13 (Annual Report for GSI) at 18 ("We have significant customer sales...in the United States."). Products shipped to the United States constituted 31.1%, 38.4%, and 47% of all of GSI's products in 2010, 2009, and 2008, respectively. *Id.* at 26. GSI's net revenues from products shipped to the United States totaled $21 million, $24 million, and $25 million in 2010, 2009, and 2008, respectively. *Id.* at 75.

10.7. GSI maintains a substantial sales and marketing presence in the U.S. *See*, Exhibit 13 (Annual Report for GSI) at 11 ("We sell our products primarily through our worldwide network of independent sales representatives and distributors...We currently have regional sales offices located in Canada, China, Italy, and the United States"); Exhibit 14 (GSI's 2010 SRAM Product Listing) at 20 (listing "Regional US Sales Offices" in Santa Clara, California and Dallas, Texas).

10.8. On information and belief, GSI works in concert with TSMC, ASE, original equipment manufacturers ("OEMs"), contract manufacturers, consignment warehouses, and distributors to import the accused products into the United States, sell the accused products for importation into the United States, and/or sell the accused products after they have been imported into the United States, thereby infringing one or more of claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See* Exhibit 13 (Annual Report for GSI) at 10 ("Our primary sales and marketing strategy is to achieve design wins with OEM customers who are leading networking and telecommunication companies....Many of our OEM customers use contract manufacturers to assemble their equipment. Accordingly, a significant percentage of our net revenues is [*sic*] derived from sales to these contract manufacturers and to consignment warehouses who purchase products from us for use by contract manufacturers. In addition, we sell our products to networking and

telecommunications OEM customers indirectly through domestic and international distributors."); see *also,* Exhibit 17 (Product Literature for Representative Accused GSI Products); 26 (Declaration Regarding Downstream Respondents).

10.9. GSI offers the accused products for sale in the U.S. *See* Exhibit 14 (GSI's 2010 SRAM Product Listing, listing GSI's SRAM products, including the Sigma DDR, SigmaQuad-II and SigmaQuad-III product families) at 20 (listing "Regional US Sales Offices" in Santa Clara, California and Dallas, Texas).

10.10. Accused GSI products are also sold in the U.S. through distributors like Respondents Arrow and its wholly-owned subsidiary Nu Horizons. *See, e.g.*, Exhibits 21 (GSI product listing from Arrow's website at www.arrow.com); 22 (GSI product listing from Nu Horizon's website at www.nuhorizons.com.)

10.11. Cypress recently purchased representative Accused GSI Products in the United States. Attached hereto as Exhibit 16 are purchase receipts and packaging photos reflecting the purchase of these Accused Products in the United States. Specifically, Cypress purchased GS8662, GS8182, and GS8342—all accused GSI SigmaQuad-II SRAM memory products—from Arrow's wholly-owned subsidiary Nu Horizons, as well as another distributor, Avnet, in the United States. *See id.*; Exhibit 14 (GSI 2010 SRAM Product Listing) at 5 (listing GS8662, GS8182, and GS8342 as GSI SigmaQuad-II SRAM memory products); 13 (Annual Report for GSI) at 11 (identifying Avnet as a GSI U.S. distributor). Each of these SRAMs infringes one or more asserted claims of the asserted patents as set forth in this Complaint. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM).

B. ALU

10.12. On information and belief, ALU purchases or otherwise obtains infringing SRAM that are designed, developed and manufactured, in whole or in part, by GSI; incorporates the

infringing SRAM—including GSI's Sigma Quad II and III family products—into its own lines of telecommunications networking products like routers and switches—particularly the Transport Service Switch, Service Aggregation Router 7705, and Service Router 7705; and subsequently imports those telecommunications products into the United States, sells them for importation, and/or sells them after importation into the United States. *See* Exhibit 26 (Declaration Regarding Downstream Respondents) at ¶ 5; Exhibit 23 (Alcatel Lucent U.S. Seaborne Imports – Router & Switch Products (Panjiva Bill of Lading Data)[11]); Exhibit 18 (Product Literature for Representative Downstream ALU Products); Exhibit 13 (GSI Annual Report) at 3 ("We sell our products to leading [OEM] customers including Alcatel-Lucent."), 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010: Alcatel-Lucent…"). In doing so, on information and belief, ALU infringes at least one or more of the following asserted claims of the patents in suit: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM incorporated in ALU products).

C. Ericsson

10.13. On information and belief, Ericsson purchases or otherwise obtains infringing SRAM that are designed, developed, and manufactured, in whole or in part, by GSI; incorporates the infringing SRAM—including GSI's SigmaQuad-II family products—into its own lines of telecommunications networking products like routers and switches ——particularly the Smart Edge Series and Subscriber Management (SM) Series; and subsequently imports those

[11] From Panjiva, Inc.'s bill of lading database for U.S. seaborne imports as registered with the U.S. government; note, the database does not include all airborne shipments (common for light, fragile, time-sensitive items such as individual SRAM) or ground shipments (e.g., from Mexico to the U.S.). *See* http://panjiva.com/.

telecommunications products into the United States, sells for importation, and/or sells after importation into the United States. *See* Exhibit 26 (Declaration Regarding Downstream Respondents) at ¶ 6; Exhibit 24 (Ericsson U.S. Seaborne Imports – Router & Switch Products (Panjiva Bill of Lading Data)); Exhibit 19 (Product Literature for Representative Downstream Ericsson Products); Exhibit 13 (GSI Annual Report) at 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010:...Ericsson..."). In doing so, on information and belief, Ericsson infringes at least one or more of the following asserted claims of the patents in suit: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM incorporated in Ericsson products).

D. Motorola

10.14. On information and belief, Motorola purchases or otherwise obtains infringing SRAM that are designed, developed, and manufactured, in whole or in part, by GSI; incorporates the infringing SRAM—including GSI's SigmaQuad-II family products—into its own lines of telecommunications networking products like routers and switches —particularly the BSR 64000 CMTS Edge Router; and subsequently imports those telecommunications products into the United States, sells for importation, and/or sells after importation into the United States. *See* Exhibit 26 (Declaration Regarding Downstream Respondents) at ¶ 7; Exhibit 25 (Motorola U.S. Seaborne Imports – Router & Switch Products (Panjiva Bill of Lading Data)); Exhibit 20 (Product Literature for Representative Downstream Ericsson Products); Exhibit 13 (GSI Annual Report) at 10 ("The following is a representative list of our OEM customers that directly or indirectly purchased more than $550,000 of our products in the fiscal year ended March 31, 2010:...Motorola..."). In doing

so, on information and belief, Motorola infringes at least one or more of the following asserted claims of the patents in suit: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM incorporated in Motorola products).

E. Arrow

10.15. On information and belief, Arrow purchases or otherwise obtains infringing SRAM that are designed, developed, and manufactured, in whole or in part, by GSI, for purposes of distributing those devices in the United States; Arrow subsequently imports those SRAM into the United States, sells for importation, and/or sells after importation into the United States. *See* Exhibit 26 (Declaration Regarding Downstream Respondents) at ¶ 9; Exhibit 16 (Purchase receipt from Arrow's wholly-owned subsidiary, Nu Horizon, showing purchase of representative accused GSI products in the U.S.); Exhibit 21 (Product Literature for Representative Downstream Arrow Products, showing Arrow's www.arrow.com website product listings for GSI, including GSI's SigmaQuad-II GS8662, GS8182, and GS8342 SRAM); Exhibit 13 (GSI Annual Report) at 11 ("We believe that our relationship with our...U.S. distributors, Arrow...and Nu Horizons, puts us in a strong position to address the...SRAM market in the U.S."). In doing so, on information and belief, Arrow infringes at least one or more of the following asserted claims of the patents in suit: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM from Arrow).

F. Nu Horizons

10.16. On information and belief, Nu Horizons purchases or otherwise obtains infringing

SRAM that are designed, developed, and manufactured, in whole or in part, by GSI, for purposes of distributing those devices in the United States. On information and belief, Nu Horizons subsequently imports those SRAM into the United States, sells for importation, and/or sells after importation into the United States. *See* Exhibit 26 (Declaration Regarding Downstream Respondents) at ¶ 10; Exhibit 16 (Purchase receipt from Nu Horizon, showing purchase of representative accused GSI products in the U.S.); Exhibit 22 (Product Literature for Representative Downstream Nu Horizons Products, showing Nu Horizon's www.nuhorizons.com website product listings for GSI, including GSI's SigmaQuad-II GS8662, GS8182, and GS8342 SRAM); Exhibit 13 (GSI Annual Report) at 11 ("We believe that our relationship with our…U.S. distributors, Arrow…and Nu Horizons, puts us in a strong position to address the…SRAM market in the U.S."). In doing so, on information and belief, Nu Horizons infringes at least one or more of the following asserted claims of the patents in suit: claims 1-2, and 4-6 of the '805 patent; claims 1-2, and 12-15 of the '134 patent; claims 8 and 9 of the '477 patent; and claims 1, 2, 6, 12, and 13 of the '937 patent. *See, e.g.*, Exhibits 27-30 (Claim charts demonstrating infringement by representative SigmaQuad-II and other GSI SRAM from Nu Horizons).

XI. LICENSEES

11.1. Confidential Exhibit 37 is attached hereto pursuant to Rule 210.12 of the Commission's Rules of Practice and Procedure.

XII. DOMESTIC INDUSTRY

A. Technical Prong

12.1. As required by section 337(a)(2) and defined by section 337(a)(3), an industry in the United States exists in connection with articles protected by the '805, '134, '477 , and '937 patents. Cypress SRAM products are covered by the '805, '134, '477, and '937 patents including, for example, Cypress' Quadruple Data Rate (QDR) Synchronous SRAM products, such as the QDR,

QDR-II, and QDR-II+ product families, including the CY7C1514KV18 products. Claim charts applying representative claim 1 of the '805 patent, claim 1 of the'134 patent, claim 8 of the '477 patent, and claim 1 of the '937 patent to the exemplary CY7C1514KV18 products are attached as Exhibits 32, 33, 34, and 35, respectively.

12.2. Product literature and photographs of the representative Cypress CY7C1514KV18 products are attached to the Complaint as Exhibit 31.

B. Economic Prong

12.3. Cypress conducts significant domestic industry activities in the United States relating to its domestic industry products. *See* Exhibit 36 (Declaration Regarding Domestic Industry – Economic Prong). Because Cypress' SRAM products are covered by at least one claim of all four of the asserted patents, the following exemplary investment information, which relates to Cypress' SRAM memory product line and shows the existence of a domestic industry, applies to all four asserted patents.

12.4. Cypress' domestic industry activities include Cypress' significant investment in plant and equipment, significant employment of labor and capital, and substantial investment in the exploitation of the '805, '134, '477 , and '937 patents. Cypress has conducted and continues to conduct many activities in the United States relating to its SRAM memory products that practice the '805, '134, '477, and '937 patents, including research, development, fabrication and manufacturing at its extensive facilities in San Jose, California and Bloomington, Minnesota. *See* Exhibit 36 (Declaration Regarding Domestic Industry – Economic Prong).

12.5. In 2010, for example, Cypress invested over $176 million on research and development, including $29 million for SRAM in the United States. *See* Exhibit 36 (Declaration Regarding Domestic Industry – Economic Prong) at ¶ 5. Associated with these U.S. research and development activities are thousands of square feet of facility space, significant equipment resources,

and a substantial number of employees. *Id.*

12.6. As for fabrication and manufacturing in 2010, for example, Cypress expended over $388 million, including $154 million for SRAM—of which $73m was within the U.S. at its Bloomington, Minnesota facilities. *See* Exhibit 36 (Declaration Regarding Domestic Industry – Economic Prong) at ¶ 6. Associated with these U.S. fabrication and manufacturing activities are significant additional amounts of facility space, equipment, and employees. *Id.* Indeed, Cypress sold 589 million integrated circuit units worldwide in 2010, of which 281 million included fabrication and manufacturing at Cypress' Bloomington, Minnesota facility. *Id.* at ¶3. These totals included 95 million SRAM units, of which 91 million included fabrication and manufacturing at Cypress' Bloomington facility. *Id.*

XIII. RELATED LITIGATION

13.1. On March 30, 2011, Cypress filed a complaint against proposed respondent GSI in the U.S. District Court for the District of Minnesota relating to the '805, '134, and '477 patents. *Cypress Semiconductor Corp. v. GSI Technology Co.,* Case No. 11-789 PJS/FLN. GSI has served its Answer, and the parties are awaiting a scheduling order. No other related litigation is known.

XIV. REQUESTED RELIEF

14.1. WHEREFORE, by reason of the foregoing, Complainants request that the United States International Trade Commission:

1. Institute an immediate Investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the unlawful importation into the United States the sale for importation, and/or sale within the United States after importation by the proposed respondents of SRAM and products containing same that infringe one or more of the asserted claims of the '805, '134, '477, and '937 patents.

2. Determine that there has been a violation of Section 337;

3. Issue a permanent limited exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all SRAM and products containing same that are manufactured, imported, or sold by or on behalf of the proposed respondents, their affiliates, subsidiaries, successors, or assigns that infringe one or more of the asserted claims of the '805, '134, '477 , and '937 patents;

4. Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing each proposed respondent, its affiliates, subsidiaries, successors, or assigns, from distributing, offering for sale, selling, or otherwise transferring, including the movement or shipment of inventory, in the United States, or transferring outside the United States for sale in the United States all SRAM and products containing same that infringe one or more of the asserted claims of the '805, '134, '477 , and '937 patents; and

5. Issue such further relief as the Commission deems just and proper based on the facts determined by the Investigation and the authority of the Commission.

Dated: June 10, 2011

Respectfully submitted,
FISH & RICHARDSON P.C.

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VERIFICATION

I, Dana Nazarian, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am Executive Vice President of the Memory Products Division at Cypress Semiconductor Corp. ("Cypress"), and am duly authorized to sign this Complaint on behalf of Cypress;

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. The allegations or other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, and;

The foregoing Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 10th day of June, 2011.

Dana Nazarian