



## **I. THE PARTIES**

1. Plaintiff is a Limited Liability Company organized and existing under the laws of the State of Texas, with a principal place of business in Frisco, Texas.

2. Upon information and belief, Defendant NANYA TECHNOLOGY CORPORATION (“NANYA”) is a corporation organized and existing under the laws of Canada, with a principal place of business in TaoYuan, Taiwan. Upon information and belief, Defendant NANYA engages in business in the State of Texas, but upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant NANYA has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary of State may forward service to Defendant NANYA at its home office address located at No. 669, FuhShing 3<sup>RD</sup>, KueiShan, TaoYuan, Taiwan, R.O.C.

3. Upon information and belief, Defendant NANYA TECHNOLOGY CORPORATION USA (“NANYA USA”) is a California corporation with a principal place of business in Santa Clara, CA. Defendant NANYA USA may be served with process by serving its Registered Agent, CT Corporation System located at 350 N. St. Paul Street, Dallas, Texas 75201.

4. Upon information and belief, Defendant PROMOS TECHNOLOGIES (“PROMOS”) is a corporation organized and existing under the laws of Canada, with a principal place of business in Hsinchu, Taiwan. Defendant PROMOS engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant PROMOS has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary

of State may forward service to Defendant PROMOS at its home office address located at No.19-1, Li-Hsin Rd., Hsinchu Science Park, Hsinchu, 30078, Taiwan, R.O.C.

5. Upon information and belief, Defendant POWERCHIP TECHNOLOGY CORPORATION (“POWERCHIP”) is a corporation organized and existing under the laws of Taiwan, with a principal place of business in Hsinchu, Taiwan. On information and belief, Defendant POWERCHIP engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant POWERCHIP has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary of State may forward service to Defendant POWERCHIP at its home office address located at No. 12, Li-Hsin 1st Rd., Hsinchu Science Park, Hsinchu, Taiwan, R.O.C.

6. Upon information and belief, MICRON TECHNOLOGY, INC. (“MICRON”) is a Delaware corporation with a principal place of business in Boise, ID. Defendant MICRON may be served with process by serving its Registered Agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

7. Upon information and belief, MICRON TECHNOLOGY TEXAS, LLC (“MICRON TEXAS”) is an Idaho limited liability company with a principal place of business in Allen, TX. Defendant MICRON TEXAS may be served with process by serving its Registered Agent, Corporation Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701.

8. Upon information and belief, FREESCALE SEMICONDUCTOR, INC. (“FREESCALE”) is a Texas corporation with a principal place of business in Austin, TX. Defendant FREESCALE may be served with process by serving its Registered Agent, Corporation

Service Company dba CSC - Lawyers Incorporating Service Company located at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

9. Upon information and belief, PANASONIC CORPORATION (“PANASONIC”) is a corporation organized and existing under the laws of Japan, with a principal place of business in Osaka, Japan. On information and belief, Defendant PANASONIC engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant PANASONIC has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary of State may forward service to Defendant PANASONIC at its home office address located at 1006 Oaza Kadoma, Kadoma, Osaka 571-8501 Japan.

10. Upon information and belief, PANASONIC CORPORATION OF NORTH AMERICA (“PANASONIC NORTH AMERICA”) is a Delaware corporation with a principal place of business located in Secaucus, NJ. Defendant PANASONIC NORTH AMERICA may be served with process by serving its Registered Agent, CT Corporation Systems located at 350 N. St. Paul Street, Dallas, TX 75201.

11. Upon information and believe, WINBOND ELECTRONICS CORP. (“WINBOND”) is a corporation organized and existing under the laws of Taiwan, with a principal place of business in Taichung City, Taiwan. On information and belief, Defendant WINBOND engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant WINBOND has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary

of State. The Secretary of State may forward service to Defendant WINBOND at its home office address located at No. 8, Keya 1<sup>st</sup> Rd., Daya Dist., Taichung City 428 Taiwan, R.O.C.

12. Upon information and believe, WINBOND ELECTRONICS CORPORATION OF AMERICA (“WINBOND AMERICA”) is a Delaware corporation with a principal place of business located in San Jose, CA 95134. Defendant WINBOND AMERICA may be served with process by serving its Registered Agent, Kuang Y. Chiu located at 2727 North First Street, San Jose, CA 95134.

## **II. JURISDICTION AND VENUE**

13. This is an action for infringement of a United States patent. Federal question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 1338(a). Advanced Data Access LLC (“ADA” or “Plaintiff”) is a subsidiary of Acacia Research Group LLC (“ARG”). Both ARG and ADA maintain their principal place of business in Frisco, Texas.

14. ARG (formerly known as Acacia Patent Acquisition Corp.) acquired United States Patent No. 5,781,497 (“the ‘497 Patent”) on June 28, 2007. Since that time, the ‘497 Patent has been successfully licensed and/or covenanted to various entities. Licensing efforts are ongoing through ADA.

15. Upon information and belief, Defendants have had minimum contacts with the Tyler Division of the Eastern District of Texas such that this venue is fair and reasonable. Defendants have committed such purposeful acts and/or transactions in this district that they reasonably should know and expect that they could be haled into this Court as a consequence of such activity. Upon information and belief, Defendants have transacted and, at the time of the filing of this Complaint, are transacting business within the Tyler Division of the Eastern District of Texas.

16. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### **III. PATENT INFRINGEMENT**

17. On July 14, 1998, United States Patent No. 5,781,497 (“the ‘497 Patent”) was duly and legally issued for “Random Access Memory Word Line Select Circuit Having Rapid Dynamic Deselect.” A true and correct copy of the ‘497 Patent is attached hereto as Exhibit “A” and made a part hereof.

18. By way of assignment, Plaintiff is the owner of all right, title and interest in and to the ‘497 Patent, with all rights to enforce the ‘497 Patent against infringers and to collect damages for all relevant times, including the right to prosecute this action.

19. The ‘497 Patent is referred to as the “Patent-in-Suit.”

20. Upon information and belief, Defendants manufacture, make, have made, import, have imported, market, sell and/or use products and/or systems that infringe one or more claims of the Patent-in-Suit; and/or induce and/or contribute to the infringement of one or more of the claims of the Patent-in-Suit by others.

21. More specifically, on information and belief, Defendants NANYA and NANYA USA, without authority, consent, right, or license, and in direct infringement of the ‘497 Patent, manufacture, use, sell, import, and/or offer for sale systems and/or products directly infringing one or more claims of the ‘497 Patent. By way of example only, its DDR3 SDRAM product, model number N2CB1G80CN-CG, directly infringes at least claim 1 of the ‘497 Patent.

22. More specifically, on information and belief, Defendant PROMOS, without authority, consent, right, or license, and in direct infringement of the ‘497 Patent, manufactures, uses, sells, imports, and/or offers for sale systems and/or products directly infringing one or more claims of the

'497 Patent. By way of example only, its DDR2 SDRAM product, model number V59C1512164QBF3, directly infringes at least claim 14 of the '497 Patent.

23. More specifically, on information and belief, Defendant POWERCHIP, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufactures, uses, sells, imports, and/or offers for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its DDR3 SDRAM product, model number XEM953A3G-P, directly infringes at least claim 14 of the '497 Patent.

24. More specifically, on information and belief, Defendants MICRON and MICRON TEXAS, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufacture, use, sell, import, and/or offer for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its DDR3 SDRAM product, model number MT4JTF12864AZ-1G4, directly infringes at least claim 1 of the '497 Patent.

25. More specifically, on information and belief, Defendant FREESCALE, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufactures, uses, sells, imports, and/or offers for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its Embedded Flash product, model number MC9S08AW60CFGE, directly infringes at least claim 8 of the '497 Patent.

26. More specifically, on information and belief, Defendants PANASONIC and PANASONIC NORTH AMERICA, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufacture, use, sell, import, and/or offer for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its Microcomputer product, model number MN103S26EDC, directly infringes at least claim 8 of the '497 Patent.

27. More specifically, on information and belief, Defendants WINBOND and WINBOND AMERICA without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufacture, use, sell, import, and/or offer for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its DDR SDRAM product, model number W9425G6JH-5, directly infringes at least claim 14 of the '497 Patent.

28. Plaintiff reserves the right to assert additional claims for the '497 Patent and reserves the right to assert additional patents.

29. Plaintiff has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

30. Upon information and belief, Defendants will continue their infringement of the Patents-in-Suit unless enjoined by the Court. Defendants' infringing conduct has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

#### **IV. JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Patent-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others to whose infringement Defendants have contributed to and/or by others whose infringement has been induced by Defendants;



- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringement be found to be willful from the time Defendants became aware of the infringing nature of its services, which is the time of filing of Plaintiff's Complaint at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284.
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Defendants be permanently enjoined from any further activity or conduct that infringes one or more claims of the Patents-in-Suit; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: September 9, 2011.**

Respectfully submitted,

/s/ Jonathan T. Suder  
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**ATTORNEYS FOR PLAINTIFF**