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8 Attorneys for Plaintiff
9 TALON RESEARCH, LLC

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 TALON RESEARCH, LLC,

13 Plaintiff,

14 v.

15 TOSHIBA AMERICA ELECTRONIC
16 COMPONENTS, INC.; TOSHIBA
17 AMERICA, INC.; TOSHIBA
CORPORATION,

18 Defendants.
19

FILED ADR

SEP 29 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

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CASE NO. **CV 11-04819** **LB**
COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

20 Plaintiff Talon Research, LLC ("Talon Research") complains and alleges as follows
21 against Defendants Toshiba America Electronic Components, Inc. ("TAEC"), Toshiba America,
22 Inc. ("Toshiba America") and Toshiba Corporation ("Toshiba Corp.") (collectively, "the Toshiba
23 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 TAEC is a corporation organized and

1 existing under the laws of the State of California with its principal place of business at 19900
2 MacArthur Blvd., Suite 400, Irvine, California 92612. Talon Research is further informed and
3 believes that TAEC maintains offices at 2590 Orchard Parkway, San Jose, California 95131.

4 3. Talon Research is informed and believes that Toshiba America is a corporation
5 organized and existing under the laws of the State of Delaware with its principal place of business
6 at 1251 Avenue of the Americas, New York, New York 10020.

7 4. Talon is informed and believes that Toshiba Corp. is a corporation organized and
8 existing under the laws of Japan with its principal place of business at 1-1, Shibaura 1-chome,
9 Minato-ku, Tokyo 105-8001, Japan.

10 **JURISDICTION AND VENUE**

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

14 6. Talon Research is informed and believes that this Court has personal jurisdiction
15 over the Toshiba Defendants because TAEC's headquarters is located in Irvine, California, TAEC
16 maintains offices in San Jose, California and because the Toshiba Defendants have committed,
17 and continue to commit, acts of infringement in California, including in this district. Talon
18 Research is informed and believes that TAEC and Toshiba America also maintain a registered
19 agent in California, namely CT Corporation System, 818 West Seventh Street, Los Angeles,
20 California 90017. Talon Research is further informed and believes that Toshiba America has
21 commenced at last two patent infringement actions in this district and that Toshiba Corp. has
22 commenced at least nine patent infringement actions in this district.

23 7. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because the Toshiba
24 Defendants have committed acts of infringement in this district.

25 **INTRADISTRICT ASSIGNMENT**

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

28 ///

1 **THE PATENTS**

2 9. On December 3, 1996, the USPTO duly and legally issued United States Patent
3 No. 5,581,498 ("the '498 Patent"), entitled "Stack Of IC Chips In Lieu Of Single IC Chip."
4 Talon Research holds all right, title, and interest in and to the '498 Patent. A true and correct
5 copy of the '498 Patent is attached as Exhibit A.

6 10. On September 28, 2004, the USPTO duly and legally issued United States Patent
7 No. 6,799,246 ("the '246 Patent"), entitled "Memory Interface For Reading/Writing Data
8 From/To A Memory." Talon Research holds all right, title, and interest in and to the '246 Patent.
9 A true and correct copy of the '893 Patent is attached as Exhibit B.

10 **FIRST CLAIM FOR RELIEF**

11 **(Infringement of the '498 patent as to TAEC)**

12 11. Talon Research incorporates by reference herein the averments set forth in
13 paragraphs 1 through 10 above.

14 12. Talon Research is informed and believes that TAEC has and continues to infringe
15 directly one or more claims of the '498 Patent by making, using, offering for sale, selling and/or
16 importing the inventions covered by at least claim 9 of the '498 patent, at least by selling certain
17 multi-chip package ("MCP") or similar memory products, including, without limitation, eMMC
18 MCP memory products comprising one or more NAND dies and a controller in a stacked
19 configuration, *e.g.* THGBM2G8D8FBAI8, THGBM2G9D8FBAIF, THGBM2T0DBFBAIF,
20 THGBM4G8D4GBAIE, THGBM4G9D8GBAII and THGBM4T0DBGBAII.

21 13. Talon Research is informed and believes that TAEC has and continues to infringe
22 indirectly one or more claims of the '498 Patent by inducing others to infringe and/or contributing
23 to the infringement by others of at least claim 9 of the '498 Patent, including customers of the
24 TAEC's eMMC MCP memory products. Talon Research has provided TAEC written notice of
25 its infringement, and TAEC also has written notice of its infringement by virtue of the filing and
26 service of this Complaint.

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

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1 eMMC MCP memory products comprising one or more NAND dies and a controller in a stacked
2 configuration, *e.g.* THGBM2G8D8FBAI8, THGBM2G9D8FBAIF, THGBM2T0DBFBAIF,
3 THGBM4G8D4GBAIE, THGBM4G9D8GBAII and THGBM4T0DBGBAII.

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

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

12 **FOURTH CLAIM FOR RELIEF**

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

14 23. Talon Research incorporates by reference herein the averments set forth in
15 paragraphs 1 through 10 above.

16 24. Talon Research is informed and believes that TAEC 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, TAEC's eMMC
20 Embedded Memory products, *e.g.*, THGBM2G8D8FBAI8, THGBM2G9D8FBAIF,
21 THGBM2T0DBFBAIF, THGBM4G8D4GBAIE, THGBM4G9D8GBAII and
22 THGBM4T0DBGBAII.

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

1 26. As a result of TAEC's acts of infringement, Talon Research has suffered and will
2 continue to suffer damages in an amount to be proved at trial.

3 **FIFTH CLAIM FOR RELIEF**

4 **(Infringement of the '246 patent as to Toshiba America)**

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

7 28. Talon Research is informed and believes that Toshiba America has and continues
8 to infringe directly one or more claims of the '246 Patent by making, using, offering for sale,
9 selling and/or importing the inventions covered by at least claim 1 of the '246 patent, at least by
10 selling products incorporating eMMC compliant controllers, including, without limitation,
11 Toshiba America's eMMC Embedded Memory products, *e.g.*, THGBM2G8D8FBAI8,
12 THGBM2G9D8FBAIF, THGBM2T0DBFBAIF, THGBM4G8D4GBAIE, THGBM4G9D8GBAII
13 and THGBM4T0DBGBAIJ.

14 29. Talon Research is informed and believes that Toshiba America has and continues
15 to infringe indirectly one or more claims of the '246 Patent by inducing others to infringe and/or
16 contributing to the infringement by others of at least claim 1 of the '246 Patent, including
17 customers of Toshiba America's eMMC compliant controllers. Talon Research has provided
18 Toshiba America written notice of its infringement, and Toshiba America also has written notice
19 of its infringement by virtue of the filing and service of this Complaint.

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

22 **SIXTH CLAIM FOR RELIEF**

23 **(Infringement of the '246 patent as to Toshiba Corp.)**

24 31. Talon Research incorporates by reference herein the averments set forth in
25 paragraphs 1 through 30 above.

26 32. Talon Research is informed and believes that Toshiba Corp. has and continues to
27 infringe directly one or more claims of the '246 Patent by making, using, offering for sale, selling
28 and/or importing the inventions covered by at least claim 1 of the '246 patent, at least by selling

1 products incorporating eMMC compliant controllers, including, without limitation, Toshiba
2 Corp.'s eMMC Embedded Memory products, *e.g.*, THGBM2G8D8FBAI8,
3 THGBM2G9D8FBAIF, THGBM2T0DBFBAIF, THGBM4G8D4GBAIE, THGBM4G9D8GBAIJ
4 and THGBM4T0DBGBAIJ.

5 33. Talon Research is informed and believes that Toshiba Corp. has and continues to
6 infringe indirectly one or more claims of the '246 Patent by inducing others to infringe and/or
7 contributing to the infringement by others of at least claim 1 of the '246 patent, including
8 customers of Toshiba Corp.'s eMMC compliant controllers. Talon Research has provided
9 Toshiba Corp. written notice of its infringement, and Toshiba Corp. also has written notice of its
10 infringement by virtue of the filing and service of this Complaint.

11 34. As a result of Toshiba Corp.'s acts of infringement, Talon Research has suffered
12 and will continue to suffer damages in an amount to be proved at trial.

13 **PRAYER**

14 WHEREFORE, Talon Research requests a judgment:

- 15 A. That TAEC has infringed one or more claims of United States Patent No.
16 5,581,498;
- 17 B. That Toshiba America has infringed one or more claims of United States Patent
18 No. 5,581,498;
- 19 C. That Toshiba Corp. has infringed one or more claims of United States Patent No.
20 5,581,498;
- 21 D. That TAEC has infringed one or more claims of United States Patent No.
22 6,799,246;
- 23 E. That Toshiba America has infringed one or more claims of United States Patent
24 No. 6,799,246;
- 25 F. That Toshiba Corp. has infringed one or more claims of United States Patent No.
26 6,799,246;
- 27 G. That United States Patent No. 5,581,498 is valid and enforceable;
- 28 H. That United States Patent No. 6,799,246 is valid and enforceable;

- 1 I. Awarding to Talon Research its damages caused by TAEC's infringement of
2 United States Patent Nos. 5,581,498, including an assessment of pre-judgment and
3 post-judgment interest and costs;
- 4 J. Awarding to Talon Research its damages caused by Toshiba America's
5 infringement of United States Patent Nos. 5,581,498, including an assessment of
6 pre-judgment and post-judgment interest and costs;
- 7 K. Awarding to Talon Research its damages caused by Toshiba Corp.'s infringement
8 of United States Patent Nos. 5,581,498, including an assessment of pre-judgment
9 and post-judgment interest and costs;
- 10 L. Awarding to Talon Research its damages caused by TAEC's infringement of
11 United States Patent Nos. 6,799,246, including an assessment of pre-judgment and
12 post-judgment interest and costs;
- 13 M. Awarding to Talon Research its damages caused by Toshiba America's
14 infringement of United States Patent Nos. 6,799,246, including an assessment of
15 pre-judgment and post-judgment interest and costs;
- 16 N. Awarding to Talon Research its damages caused by Toshiba Corp.'s infringement
17 of United States Patent Nos. 6,799,246, including an assessment of pre-judgment
18 and post-judgment interest and costs;
- 19 O. That this is an exceptional case and awarding Talon its reasonable attorneys' fees
20 pursuant to 35 U.S.C. § 285; and
- 21 P. Awarding Talon Research such other and further relief as the Court may deem just
22 and proper.
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1 Dated: September 29, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

2
3 By: 

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Marc Belloli

Attorneys for Plaintiff

TALON RESEARCH, LLC

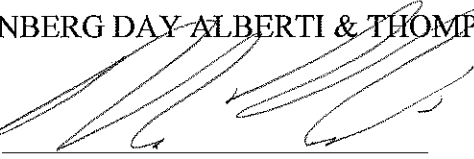
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DEMAND FOR JURY TRIAL

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: September 29, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

By: 

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TALON RESEARCH, LLC