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

IAN N. FEINBERG (SBN 88324)  
ifeinberg@feinday.com  
M. ELIZABETH DAY (SBN 177125)  
eday@feinday.com  
DAVID ALBERTI (SBN 220625)  
dalberti@feinday.com  
SAL LIM (SBN 211836)  
slim@feinday.com  
YAKOV ZOLOTOREV (SBN 224260)  
yzolotorev@feinday.com  
MARC BELLOLI (SBN 244290)  
mbelloli@feinday.com  
FEINBERG DAY ALBERTI & THOMPSON LLP  
401 Florence Street, Suite 200  
Palo Alto, CA 94301  
Telephone: 650.618.4360  
Facsimile: 650.618.4368

Attorneys for Plaintiff  
TALON RESEARCH, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TALON RESEARCH, LLC,  
Plaintiff,

vs.  
HYNIX SEMICONDUCTOR AMERICA  
INC.; HYNIX SEMICONDUCTOR INC.,  
Defendants.

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

DEMAND FOR JURY TRIAL

**BY FAX**

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

**THE PARTIES**

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

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.

1 **FOURTH CLAIM FOR RELIEF**

2 **(Infringement of the '246 patent as to HSI)**

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;

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

14  
15 Dated: October 14, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

16  
17 By: 

Ian N. Feinberg  
M. Elizabeth Day  
David Alberti  
Sal Lim  
Yakov Zolotorev  
Marc Belloli

20  
21 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: October 14, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

By: 

Ian N. Feinberg  
M. Elizabeth Day  
David Alberti  
Sal Lim  
Yakov Zolotorev  
Marc Belloli

Attorneys for Plaintiff  
TALON RESEARCH, LLC