

I. INTRODUCTION

1. Complainants Trek 2000 International Ltd. and Trek Technology (Singapore) Pte. Ltd., and S-Com System (S) Pte. Ltd. (collectively, “Trek”) respectfully request that the United States International Trade Commission (“USITC” or “Commission”) commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B) (alternatively referred to herein as “Section 337”) to remedy the unlawful importation into the United States, the sale for importation into the United States, the sale within the United States, and/or offering for sale within the United States of certain universal serial bus (“USB”) portable storage devices, including USB flash drives and components thereof (collectively, the “Accused Products”).

2. Trek has established a domestic industry (“Trek’s Domestic Industry”) and has invested substantially in the exploitation of its external data storage technology, including licensing its USB flash drive technology. Trek’s proprietary technology and designs associated with USB flash drives are one of Trek’s most valuable assets.

3. The Proposed Respondents include manufacturers and distributors of Accused Products including, Imation Corporation; IronKey, Inc.; Kingston Technology Co., Inc.; Patriot Memory LLC; RITEK Corporation and Advanced Media, Inc./RITEK USA; and Verbatim Corporation; Inc. and Verbatim Americas, LLC (collectively, the “Proposed Respondents”).

4. The Accused Products of the Proposed Respondents directly and/or indirectly infringe one or more claims of U.S. Patent Nos. 6,880,054 (the ’054 patent), 7,039,759 (the ’759 patent), D463,426 (the D’426 patent), and/or 7,549,161 (the ’161 patent) (collectively, the “patents-in-suit”).

5. The Proposed Respondents import, sell for importation, offer for sale within the United States after importation, and/or sell within the United States after importation the Accused Products.

6. Accordingly, the Proposed Respondents have engaged in unfair acts in violation of Section 337 through the unlicensed importation, sale for importation, and/or sale within the United States after importation of Accused Products that directly and indirectly infringe one or more claims of the patents-in-suit.

7. On information and belief, Imation Corporation's Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, the claim of the D'426 patent, and at least claims 1-3 of the '161 patent.

8. On information and belief, IronKey, Inc.'s Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent.

9. On information and belief, Kingston Technology Co., Inc.'s Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent.

10. On information and belief, Patriot Memory, LLC's Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent.

11. On information and belief, RITEK Corporation and Advanced Media, Inc./RITEK USA's Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent.

12. On information and belief, Verbatim Corporation, Inc. and Verbatim Americas, LLC Accused Products infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent.

13. A copy of the '054 patent accompanies this Complaint as **Exhibit 1**. Trek Technology (Singapore) Pte. Ltd. owns by assignment the entire right, title and interest in this patent.

14. A copy of the '759 patent accompanies this Complaint as **Exhibit 2**. Trek Technology (Singapore) Pte. Ltd. owns by assignment the entire right, title and interest in this patent.

15. A copy of the '161 patent accompanies this Complaint as **Exhibit 3**. S-Com System Pte. Ltd. owns by assignment the entire right, title and interest in this patent.

16. A copy of the D'426 patent accompanies this Complaint as **Exhibit 4**. Trek Technology (Singapore) Pte. Ltd. owns by assignment the entire right, title and interest in this patent.

17. Trek seeks a limited exclusion order pursuant to Section 337(d) excluding the importation of the Accused Products by Proposed Respondents into the United States. Trek also seeks a cease-and-desist order directing Imation Corporation, IronKey, Inc., Kingston Technology Co., Inc., Patriot Memory, LLC, RITEK Corporation and Advanced Media, Inc./RITEK USA, and Verbatim Corporation, Inc. and Verbatim Americas, LLC to immediately cease the importation into the United States, or demonstration, sale, use, movement or shipment of United States inventory of the Accused Products.

II. COMPLAINANTS

18. Complainant Trek 2000 International Ltd. is the parent entity to complainants Trek Technology Pte. Ltd. and S-Com System Pte. Ltd. (collectively "Complainants" or "Trek").

19. Complainant Trek 2000 International Ltd. is a Singapore public limited company organized and existing under the laws of Singapore. Trek 2000 International Ltd. maintains its principal place of business at 30 Loyang Way # 07-13/14/15, Loyang Industrial Estate, Singapore, 508769. (See Exhibit 5).

20. Complainant Trek Technology Pte. Ltd. is a Singapore private limited liability company organized and existing under the laws of Singapore, and is a wholly-owned subsidiary of Trek 2000 International Ltd. Trek Technology Pte. Ltd. maintains its principal place of business at 3 Lim Teck Kim Road #01-03 Genting Centre Singapore, 088934. (See Exhibit 6).

21. Complainant S-Com System Pte. Ltd. is a Singapore private limited liability company organized and existing under the laws of Singapore, and is a wholly-owned subsidiary of Trek

2000 International Ltd. S-Com System maintains its principal place of business at 3 Lim Teck Kim Road #01-03, Genting Centre, Singapore, 088934. (See Exhibit 7).

22. Trek Technology (Singapore) Pte Ltd. is the owner by assignment of all rights, title, and interest in the '054 patent, the '759 patent, and the D'426 patent. (See Exhibits 8-10). Certified copies of the recorded assignments accompany the Complaint.

23. S-Com System Pte. Ltd. is the owner by assignment of all rights, title, and interest in the '161 patent. (See Exhibit 11). A certified copy of the recorded assignment accompanies the Complaint.

24. Trek has extended licenses to the patents-in-suit. A listing of its licensees is included as **Confidential Exhibit 12**.

III. PROPOSED RESPONDENTS

A. Imation Corporation

25. On information and belief, Imation Corporation ("Imation") is a Delaware corporation with its principal place of business at 1 Imation Way, Oakdale, Minnesota 55128. (See Exhibit 17). On information and belief, Imation was formed in July 1996 as a spin-off of the businesses which comprised substantially all of the data storage and imaging systems groups of 3M Company. (See Exhibits 18-19).

26. On information and belief, Imation manufactures, markets, and sells Accused Products through a variety of retail and commercial distribution channels around the world. (See Exhibits 20-28). On information and belief, Imation manufactures, or has manufactured, the Accused Products, imports the Accused Products into the United States, sells the Accused Products for importation into the United States, and/or sells Accused Products after they have been imported into the United States. (See Exhibits 29-30).

B. IronKey, Incorporated

27. On information and belief, IronKey Incorporated (“IronKey”) is a Delaware corporation with its principal place of business at 600 West California Avenue, Sunnyvale, California 94086. (See Exhibits 31-32).

28. On information and belief, IronKey designs, manufactures or has manufactured, markets and sells Accused Products. (See Exhibits 33-38). On information and belief, IronKey imports components for the Accused Products, and IronKey then distributes, markets and sells Accused Products in the United States. (See Exhibits 39-40).

C. Kingston Technology Company, Incorporated

29. On information and belief, Kingston Technology Company, Incorporated (“Kingston”) is a California Corporation with its principal place of business at 17600 Newhope Street, Fountain Valley, California 92708. (See Exhibit 41).

30. On information and belief, Kingston manufactures, markets, and sells Accused Products through a variety of retail and commercial distribution channels around the world. (See Exhibits 42-50). On information and belief, Kingston manufactures, or has manufactured, the Accused Products, imports the Accused Products into the United States, sells the Accused Products for importation into the United States, and/or sells Accused Products after they have been imported into the United States. (See Exhibits 51-52).

D. Patriot Memory, LLC

31. On information and belief, Patriot Memory, LLC (“Patriot”) is a Delaware corporation with its principal place of business at 47027 Benicia Street, Fremont, California 94538. (See Exhibit 53).

32. On information and belief, Patriot manufactures, markets, and sells Accused Products through a variety of retail and commercial distribution channels around the world. (See Exhibits 54-55). On information and belief, Patriot manufactures, or has manufactured, the Accused Products, imports the Accused Products into the United States, sells the Accused Products for importation into the United States, and/or sells Accused Products after they have been imported

into the United States. (See Exhibits 56-58).

E. RITEK Corporation and Advanced Media, Inc./RITEK USA

33. On information and belief, RITEK Corporation is a Taiwanese corporation with its principal place of business at No. 42 Kuan-Fu North Road, Hsin-Chu Industrial Park, Hsinchu, Taiwan 30316. (See Exhibit 59).

34. On information and belief, Advanced Media, Incorporated/RITEK USA (collectively, RITEK Corporation and RITEK USA will be referenced as “RITEK”) is a California corporation with its principal place of business at 1440 Bridgegate Drive, Suite 395, Diamond Bar, California 91765. On information and belief, RITEK USA was formed in 2001 as a subsidiary of RITEK. (See Exhibits 60-62).

35. On information and belief, RITEK manufactures, markets, and sells Accused Products through a variety of retail and commercial distribution channels around the world. (See Exhibits 63-65). On information and belief, RITEK manufactures, or has manufactured, the Accused Products, imports the Accused Products into the United States, sells the Accused Products for importation into the United States, and/or sells Accused Products after they have been imported into the United States. (See Exhibit 66).

F. Verbatim Corporation, Incorporated and Verbatim Americas, LLC

36. On information and belief, Verbatim Corporation, Incorporated is a California corporation with its principal place of business at 1200 West W.T., Harris Boulevard, Charlotte, North Carolina 28262. (See Exhibit 67). On information and belief, Verbatim Corporation, Incorporated was formed in 1969 and is now a wholly owned subsidiary of Mitsubishi Chemical Corporation, a Japanese corporation with its principal place of business at 14-1 Shiba 4-chome, Minato-ku, Tokyo 108-0014, Japan. (See Exhibits 68-69).

37. On information and belief, Verbatim Americas, LLC (collectively, Verbatim Corporation, Incorporated and Verbatim Americas, LLC will be referenced as “Verbatim”) is a Delaware corporation with its principal place of business at 1200 West W.T., Harris Boulevard,

Charlotte, North Carolina 28262. On information and belief, Verbatim Americas was formed in December 2007 as a wholly owned subsidiary of Verbatim Corporation, Incorporated. (See Exhibit 70).

38. On information and belief, Verbatim manufactures, markets, and sells Accused Products through a variety of retail and commercial distribution channels around the world. (See Exhibit 71). On information and belief, Verbatim manufactures, or has manufactured, the Accused Products, imports the Accused Products into the United States, sells the Accused Products for importation into the United States, and/or sells Accused Products after they have been imported into the United States. (See Exhibit 72).

IV. THE PATENTS-IN-SUIT

A. The '054 Patent

a) Identification and Ownership of the '054 Patent

39. U.S. Patent No. 6,880,054, entitled "Portable Data Storage Device Having a Secure Mode of Operation," issued on April 12, 2005. The '054 patent was assigned by its inventors, Chong Seng Cheng and Teng Pin Poo, to Trek Technology (Singapore) Pte. Ltd. (See Exhibit 8). The '054 patent remains in full force and effect, and Trek Technology (Singapore) Pte. Ltd. is the owner of all right, title, and interest in and to the '054 patent.

b) Non-Technical Description of the Invention of the '054 Patent

40. The '054 patent is directed to methods of using portable data storage devices, and more generally, the use of USB flash drives.

41. The patent teaches portable data storage devices, such as a USB flash drive, which connects to the universal serial bus (USB) port of a computer. The device (USB flash drive) includes memory, and a memory control device that controls the flow of data from the computer to the memory of the device, *i.e.* moving data files between the computer and USB flash drive.

42. The patent further relates to a method of restricting access to data in a portable data storage device (USB flash drive). For example, the patent covers method of connecting the USB

flash drive having memory to a computer, but requiring password authentication prior to allowing the flow of data files between the memory in the USB flash drive and the computer. More specifically, the patent relates to the USB flash drive that generates a prompt for password when the USB flash drive is connected to the computer, that processes the password typed in by the user, and then grants access to the memory of the USB flash drive based on whether the password is correct.

c) Foreign Counterparts

43. The following is a list of foreign counterparts to the '054 patent include:

Country/Region	Number	Status
African Regional Intellectual Property Organization	AP 200202536	Pending
Australia	AU 200033413	Granted
Australia	AU 761064	Granted
Bulgaria	BG 106601	Pending
Brazil	BR 200015190	Pending
Canada	CA 2377406	Pending
China	CN 1384964	Granted
China	CN 1700347	Granted
China	CN 1314031	Granted
China	CN 101034425	Granted
China	CN 100476989	Granted
China	CN 100495420	Granted
Czech Republic	CZ 296706	Granted
Denmark	DK 200200620	Pending
Eurasian Patent Organization	EA 4073	Granted
Estonia	EE 200200200	Pending
European Patent Office	EP 1234305	Pending
United Kingdom	GB 2371653	Revoked
Hong Kong	HK 1050263	Granted
Hong Kong	HK 1116267	Granted
Hungary	HU 200203134	Abandoned
Israel	IL 149052	Abandoned
Israel	IL 175131	Pending
Japan	JP 2003524842	Pending

Mexico	MX 2002PA003741	Pending
Norway	NO 20021648	Granted
New Zealand	NZ 518169	Granted
New Zealand	NZ 522227	Granted
Poland	PL 355475	Pending
Slovakia	SK 200200481	Stopped
Taiwan	TW 527560	Pending
WIPO	WO0161692 (A1)	Granted

44. To the best of Trek's knowledge, information, and belief, there are no other foreign patent or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '054 patent

B. The '759 Patent

a) Identification and Ownership of the '759 Patent

45. U.S. Patent No. 7,039,759, entitled "Portable Data Storage Device," issued on May 2, 2006. The '759 patent was assigned by its inventors, Chong Seng Cheng and Teng Pin Poo, to Trek Technology (Singapore) Pte. Ltd. (See **Exhibit 9**). The '759 patent remains in full force and effect, and Trek Technology (Singapore) Pte. Ltd. is the owner of all right, title, and interest in and to the '759 patent.

b) Non-Technical Description of the Invention of the '759 Patent

46. The '759 patent is a continuation of the '054 patent and is also directed to portable data storage devices.

47. The patent teaches portable data storage devices, such as a USB flash drive, which connects to the universal serial bus (USB) port of a computer. The device (USB flash drive) includes memory, and a memory control device that controls the flow of data from the computer to the device, i.e. moving data files between the computer and USB flash drive.

48. The patent further relates to a device that has a universal serial bus (USB) plug integrated into the device, such that the device can be connected to a USB port of a computer

without an intervening cable capable. The device has memory that can serve as an alternative to a magnetic disk or CD, and has a memory control device that controls the flow of data between the device's memory. The memory control device also restricts access to at least a portion of the data in the memory absent password authentication.

49. The patent further teaches a USB flash drive device where a USB plug, memory, and memory control device are part of an integrated housing (i.e. within a single product). Further, the patent teaches a device where the USB plug protrudes from the side of the integrated housing.

c) Foreign Counterparts

50. The following is a list of foreign counterparts to the '759 patent:

Country/Region	Number	Status
African Regional Intellectual Property Organization	AP 200202536	Pending
Australia	AU 200033413	Granted
Australia	AU 761064	Granted
Bulgaria	BG 106601	Pending
Brazil	BR 200015190	Pending
Canada	CA 2377406	Pending
China	CN 1384964	Granted
China	CN 1700347	Granted
China	CN 1314031	Granted
China	CN 101034425	Granted
China	CN 100476989	Granted
China	CN 100495420	Granted
Czech Republic	CZ 296706	Granted
Denmark	DK 200200620	Pending
Eurasian Patent Organization	EA 4073	Granted
Estonia	EE 200200200	Pending
European Patent Office	EP 1234305	Pending
United Kingdom	GB 2371653	Revoked
Hong Kong	HK 1050263	Granted
Hong Kong	HK 1116267	Granted
Hungary	HU 200203134	Abandoned

Israel	IL 149052	Abandoned
Israel	IL 175131	Pending
Japan	JP 2003524842	Pending
Mexico	MX 2002PA003741	Pending
Norway	NO 20021648	Granted
New Zealand	NZ 518169	Granted
New Zealand	NZ 522227	Granted
Poland	PL 355475	Pending
Slovakia	SK 200200481	Stopped
Taiwan	TW 527560	Pending
WIPO	WO0161692 (A1)	Granted

51. To the best of Trek's knowledge, information, and belief, there are no other foreign patent or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '759 patent

C. The '161 Patent

a) Identification and Ownership of the '161 Patent

52. U.S. Patent No. 7,549,161, entitled "Portable Device Having Biometrics-based Authentication Capabilities," issued on June 16, 2006. The '161 patent was assigned by its inventors, Teng Pin Poo and Lay Chuan Lim, to S-Com System (Singapore) Pte. Ltd., on October 4, 2001 at reel/frame 012246/0400. (See **Exhibit 10**). The '161 patent remains in full force and effect, and S-Com System Pte. Ltd. is the owner of all right, title, and interest in and to the '161 patent.

b) Non-Technical Description of the Invention of the '161 Patent

53. The '161 patent relates to an apparatus and method for implementing biometrics-based access control to a portable storage device, such as a USB flash drive having fingerprint access control.

54. The patent teaches portable USB flash drive device that includes a microprocessor, memory connected to the microprocessor, and a biometrics-based authentication module

controlled by the microprocessor. The biometrics technology may include fingerprint authentication technology, which includes registering a fingerprint upon first use of the USB flash drive device and storing information regarding the fingerprint in the device's memory. The device subsequently reads fingerprints and determines whether the fingerprint matches the registered and stored fingerprint. If a fingerprint match is found, the user is granted access to the restricted portions of the device's memory (if there is no match, access is denied). The device also has a bypass feature for when access is denied. The invention thus provides a highly convenient, secured and reliable method and system for user authentication and access control to a USB flash drive device.

c) Foreign Counterparts

55. The following is a list of foreign counterparts to the '161 patent:

Country/Region	Number	Status
African Regional Intellectual Property Organization	AR 37137	Pending
Australia	AU2002243185	Granted
Brazil	BR 200201400	Pending
Brazil	BR 200201401	Dismissed
Canada	CA 2417206	Pending
Canada	CA 2417208	Granted
China	CN 1462410	Granted
China	CN 1257479	Granted
Germany	DE 60232969	Granted
Denmark	DK 200200630	Abandoned
Denmark	DK 200200631	Abandoned
Denmark	DK 1402459	Granted
Eurasian Patent Organization	EA 4262	Dismissed
Ecuador	EC SP024276	Pending
European Patent Office	EP 1374147	Withdrawn
European Patent Office	EP 1402459	Granted
European Patent Office	EP 2000937	Pending
Spain	ES 2328459	Granted
United Kingdom	GB 200209608	Terminated
United Kingdom	GB 200209610	Granted
United Kingdom	GB 2377525	Terminated
United Kingdom	GB 2377526	Granted
Hong Kong	HK 1061596	Granted
Hungary	HU 200301836	Abandoned

Hungary	HU 200302624	Pending
Israel	IL 149319	Granted
Japan	JP 2004519791	Pending
Japan	JP 2005505026	Pending
Japan	JP 2005050328	Pending
Mexico	MX 2002PA004246	Pending
Mexico	MX 2002PA004247	Pending
Norway	NO 20022193	Granted
Norway	NO 20022194	Granted
Panama	PA 8549201	Pending
Peru	PE 05722003	Pending
Portugal	PT 1402459	Granted
Russia	RS 49652	Pending
El Salvador	SV 2003001114	Pending
Taiwan	TW I246028	Granted
Ukraine	UA 75873	Granted
WIPO	WO 2003003278	
WIPO	WO 2003003282	
WIPO	WO 2003003283	
WIPO	WO 2003003295	
South Africa	ZA 200203091	Granted
South Africa	ZA 200203092	Granted

56. To the best of Trek's knowledge, information, and belief, there are no other foreign patent or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '161 patent.

D. The D'426 Patent

a) Identification and Ownership of the '426 Patent

57. U.S. Patent No. D463,426, entitled "The Ornamental Design for a Portable Data Storage Device, as Shown and Described," issued on September 24, 2002. The D'426 patent was assigned by its inventor, Chong Seng Cheng, to Trek Technology (Singapore) Pte. Ltd. (See

Exhibit 11), recorded on December 19, 2000 at reel frame 011367/0738. The D'426 patent remains in full force and effect, and Trek Technology (Singapore) Pte. Ltd. is the owner of all right, title, and interest in and to the D'426 patent.

b) Non-Technical Description of the Invention of the '426 Patent

58. The '426 patent is a U.S. design patent that claims the ornamental design for a portable data storage device as shown and described in connection with eight drawing figures reproduced below:

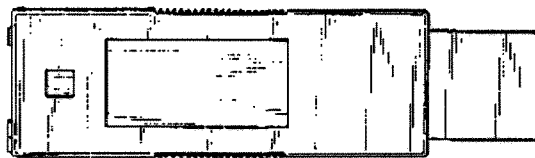
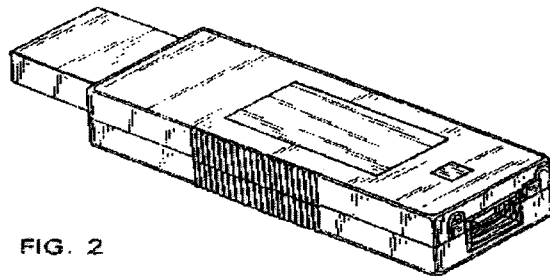
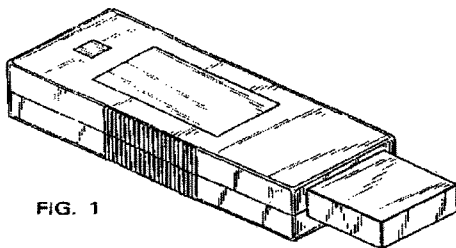


FIG. 3



FIG. 4



FIG. 5



FIG. 6

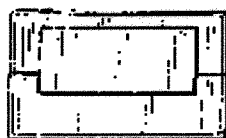


FIG. 7

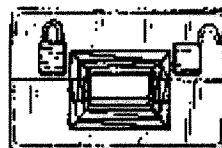


FIG. 8

c) Foreign Counterparts

59. The following is a list of foreign counterparts to the D'426 patent:

Country	Number	Status
France	00 5683	Granted
Germany	400 09 211.5	Granted
India	183549	Granted
Japan	1123108	Granted
Malaysia	MY-00-00625	Granted
Taiwan	81516	Granted
United Kingdom	2091818	Granted

60. To the best of Trek's knowledge, information, and belief, there are no other foreign patent or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the D'426 patent.

V. THE PRODUCTS AT ISSUE

A. Imation Corporation Accused Products

61. Upon information and belief, Imation Corporation ("Imation") offers a wide variety of USB flash drives of various specifications. (See Exhibits 19–28). Further, on information and belief, Imation manufactures USB flash drives in foreign facilities and imports its USB flash drives for sale in the United States, in addition to unlawfully importing components for assembly and sale. (See Exhibits 29–30, 99). Imation's USB flash drives are also sold after importation in the United States by third party retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of Imation USB flash drives.

62. Upon information and belief, Imation unlawfully sells for importation, imports or sells after importation into the United States devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, the claim of the D'426 patent, and at least claims 1-3 of the '161 patent. (See Exhibits 73–76). Such infringing products include Imation's USB flash drive products having a password protection (i.e. Nano Flash Drive, Swivel Flash Drive, Pivot Plus Flash Drive, Pocket Flash Drive, Clip Flash Drive, Atom Flash Drive, Defender series) and/or biometric security (i.e. Defender F150, Defender F200). (See Exhibits 20–28).

a) '054 Patent

63. On information and belief, Imation is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, at least claim 3-5 of the '054 Patent. (See Exhibit 73).

64. A claim analysis reading independent claim 3 of the '054 Patent on a representative Imation USB Flash Drive (Atom Flash Drive) is attached herewith. (See Exhibit 73). On information and belief, Imation's Atom Flash Drive is representative of all Imation flash drives having password protection features.

65. Accordingly, Imation's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Imation infringe claims of the '054 Patent.

66. Moreover, on information and belief, Imation learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Imation contributes to and induces infringement of the '054 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 20–28; 79).

b) '759 Patent

67. On information and belief, Imation is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, at least independent claims 1 and 10 of the '759 Patent. (See Exhibit 74).

68. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative Imation USB flash drive (Atom Flash Drive) is attached herewith. (See Exhibit 74). On information and belief, Imation's Atom Flash Drive is representative of all Imation flash drives having password protection features.

69. Accordingly, Imation's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Imation infringe claims of the '759 Patent.

70. Moreover, on information and belief, Imation learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Imation contributes to and induces infringement of the '759 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 20–28; 79).

c) '161 Patent

71. On information and belief, Imation is importing components into the United States, assembling the imported components into Accused Products, and selling Accused Products that either directly or indirectly infringe, or infringe through the doctrine of equivalents, independent claims 1-3 of the '161 Patent. (See Exhibit 75).

72. A claim analysis reading independent claims 1-3 of the '161 Patent on a representative Imation USB flash drive (Defender F200 Flash Drive) is attached herewith. (See Exhibits 75 and 99). On information and belief, Imation's Defender F200 Flash is representative of all Imation flash drives having biometric security features.

73. Accordingly, Imation's USB Flash Drives having biometric security features which are assembled in the United States after the importation of components thereof by Imation infringe claims of the '161 Patent.

74. Moreover, on information and belief, Imation learned of the '161 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Imation contributes to and induces infringement of the '161 Patent claims by making, importing into the

United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '161 Patent, have no substantial non-infringing use, and are not a staple item. (See **Exhibits 24; 77–78**).

d) D'426 Patent

75. On information and belief, Imation is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that infringe the claim of the D'426 Patent. (See **Exhibit 76**).

76. A claim analysis reading the claim of the D'426 Patent on a representative Imation USB Flash Drive (Swivel Flash Drive) is attached herewith. (See **Exhibit 76**).

77. Accordingly, Imation's Swivel Flash Drives which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Imation infringe the claim of the D'426 Patent.

B. IronKey, Inc. Accused Products

78. Upon information and belief, IronKey, Inc. ("IronKey") manufactures and offers for sale a wide variety of USB flash drives of various specifications. (See **Exhibit 39**). IronKey's USB flash drives are also sold in the United States by third party retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of IronKey's USB flash drives.

79. Upon information and belief, IronKey unlawfully imports components for assembly and sale devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent. (See **Exhibits 40, 80–82**). Such infringing products include IronKey's USB flash drive products having a password protection (i.e. IronKey Enterprise series, IronKey Personal series, IronKey Basic series). (See **Exhibits 33–38**).

a) '054 Patent

80. On information and belief, IronKey is importing components into the United States, assembling the imported components into Accused Products, and selling Accused Products that either directly or indirectly infringe, or infringe through the doctrine of equivalents, claim 3-5 of the '054 Patent. (See Exhibit 80).

81. A claim analysis reading independent claim 3 of the '054 Patent on a representative IronKey USB flash drive (IronKey Personal S200) is attached herewith. (See Exhibit 80). On information and belief, the IronKey Personal S200 is representative of all IronKey flash drives having password protection features.

82. Accordingly, IronKey's USB flash drives having password protection features which are assembled in the United States after the importation of components thereof infringe claims of the '054 Patent.

83. Moreover, on information and belief, IronKey learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, IronKey contributes to and induces infringement of the '054 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 33–38; 83).

b) '759 Patent

84. On information and belief, IronKey is importing components into the United States, assembling the imported components into Accused Products, and selling Accused Products that either directly or indirectly infringe, or infringe through the doctrine of equivalents, independent claims 1 and 10 of the '759 Patent. (See Exhibit 81).

85. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative IronKey's USB flash drive (IronKey Personal S200) is attached herewith. (See

Exhibit 81). On information and belief, IronKey's Personal S200 is representative of all IronKey flash drives having password protection features.

86. Accordingly, IronKey's USB flash drives having password protection features which are assembled in the United States after the importation of components thereof infringe claims of the '759 Patent.

87. Moreover, on information and belief, IronKey learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, IronKey contributes to and induces infringement of the '759 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 33–38; 83).

c) D'426 Patent

88. On information and belief, IronKey is importing components into the United States, assembling the imported components into Accused Products, and selling Accused Products that infringe the claim of the D'426 Patent. (See Exhibit 82).

89. A claim analysis reading the claim of the D'426 Patent on a representative IronKey's USB Flash Drive (IronKey Personal S200) is attached herewith. (See Exhibit 82).

90. Accordingly, IronKey's Personal S200 which are which are assembled in the United States after the importation of components thereof infringe the claim of the D'426 Patent.

C. Kingston Technology Company Accused Products

91. Upon information and belief, Kingston Technology Company ("Kingston") manufactures and offers for sale a wide variety of USB flash drives of various specifications. (See Exhibit 42). Kingston's USB flash drives are also sold after importation in the United States by third party

retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of Kingston's USB flash drives.

92. Upon information and belief, Kingston unlawfully sells for importation, imports or sells after importation into the United States devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent. (See Exhibits 84–86). Such infringing products include Kingston's USB flash drive products having a password protection (i.e. DataTraveler 200, DataTraveler 310, DataTraveler 410, DataTraveler Locker series, DataTraveler 4000, DataTraveler Vault). (See Exhibits 43–50).

a) '054 Patent

93. On information and belief, Kingston is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, claim 3-5 of the '054 Patent. (See Exhibit 84).

94. A claim analysis reading independent claim 3 of the '054 Patent on a representative Kingston USB flash drive (DataTraveler Locker) is attached herewith. (See Exhibit 84). On information and belief, the DataTraveler Locker is representative of all Kingston flash drives having password protection features.

95. Accordingly, Kingston's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Kingston infringe claims of the '054 Patent.

96. Moreover, on information and belief, Kingston learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Kingston contributes to and induces infringement of the '054 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the

'054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 43–50).

b) '759 Patent

97. On information and belief, Kingston is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, independent claims 1 and 10 of the '759 Patent. (See Exhibit 85).

98. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative Kingston's USB flash drive (DataTraveler Locker) is attached herewith. (See Exhibit 85). On information and belief, DataTraveler Locker is representative of all Kingston flash drives having password protection features.

99. Accordingly, Kingston's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Kingston infringe claims of the '759 Patent.

100. Moreover, on information and belief, Kingston learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Kingston contributes to and induces infringement of the '759 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 43–50).

c) D'426 Patent

101. On information and belief, Kingston is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that infringe the claim of the D'426 Patent. (See Exhibit 86).

102. A claim analysis reading the claim of the D'426 Patent on a representative Kingston's USB Flash Drive (DataTraveler Locker) is attached herewith. (See Exhibit 86).

103. Accordingly, DataTraveler Locker which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Kingston infringe the claim of the D'426 Patent.

D. Patriot Memory LLC Accused Products

104. Upon information and belief, Patriot Memory LLC ("Patriot") manufactures and offers for sale a wide variety of USB flash drives of various specifications. (See Exhibit 56). Patriot's USB flash drives are also sold after importation in the United States by third party retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of Patriot's USB flash drives.

105. Upon information and belief, Patriot unlawfully sells for importation, imports or sells after importation into the United States devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent. (See Exhibits 87–89). Such infringing products include Patriots' USB flash drive products having a password protection (i.e. Signature Line Bolt USB Flash Drives) and also Patriot's Xporter Dash flash drives. (See Exhibits 54–55).

a) '054 Patent

106. On information and belief, Patriot is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, claim 3-5 of the '054 Patent. (See Exhibit 87).

107. A claim analysis reading independent claim 3 of the '054 Patent on a representative Patriot USB flash drive (Signature Line Bolt USB Flash Drive) is attached herewith. (See Exhibit 87). On information and belief, the Signature Line Bolt USB Flash Drive is representative of all Patriot flash drives having password protection features.

108. Accordingly, Patriot's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Patriot infringe claims of the '054 Patent.

109. Moreover, on information and belief, Patriot learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Patriot contributes to and induces infringement of the '054 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 54–55; 90).

b) '759 Patent

110. On information and belief, Patriot is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, independent claims 1 and 10 of the '759 Patent. (See Exhibit 88).

111. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative Patriot's USB flash drive (Signature Line Bolt USB Flash Drive) is attached herewith. (See Exhibit 88). On information and belief, Signature Line Bolt USB Flash Drive is representative of all Patriot flash drives having password protection features.

112. Accordingly, Patriot's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Patriot infringe claims of the '759 Patent.

113. Moreover, on information and belief, Patriot learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Patriot contributes to and induces infringement of the '759 Patent claims by making,

importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 54–55; 90).

c) D'426 Patent

114. On information and belief, Patriot is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that infringe the claim of the D'426 Patent. (See Exhibit 89).

115. A claim analysis reading the claim of the D'426 Patent on a representative Patriot's USB flash drive (Xporter Dash) is attached herewith. (See Exhibit 89).

116. Accordingly, Patriot's Xporter Dash flash drives which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Patriot infringe the claim of the D'426 Patent.

**E. RITEK Corporation (and US subsidiary, Advanced Media, Inc./RITEK USA)
Accused Products**

117. Upon information and belief, RITEK Corporation (and US subsidiary, Advanced Media, Inc./RITEK USA) ("RITEK") manufactures and offers for sale a wide variety of USB flash drives of various specifications. (See Exhibit 62). RITEK's USB flash drives are also sold after importation in the United States by third party retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of RITEK's USB flash drives.

118. Upon information and belief, RITEK unlawfully sells for importation, imports or sells after importation into the United States devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent. (See Exhibits 91–93). Such infringing products include RITEK's USB flash drive products having a password protection (EZ Slider, EZ Twister, EZ Sakura & Cursive).

a) '054 Patent

119. On information and belief, RITEK is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, claim 3-5 of the '054 Patent. (See Exhibit 91).

120. A claim analysis reading independent claim 3 of the '054 Patent on a representative RITEK USB flash drive (EZ Slider) is attached herewith. (See Exhibit 91). On information and belief, the EZ Slider is representative of all RITEK flash drives having password protection features.

121. Accordingly, RITEK's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by RITEK infringe claims of the '054 Patent.

122. Moreover, on information and belief, RITEK learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, RITEK contributes to and induces infringement of the '054 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advice regarding infringing uses, with knowledge that these Accused Products infringe the '054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 63–65; 94).

b) '759 Patent

123. On information and belief, RITEK is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, independent claims 1 and 10 of the '759 Patent. (See Exhibit 92).

124. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative RITEK's USB flash drive (EZ Slider) is attached herewith. (See Exhibit 92). On

information and belief, RITEK's EZ Slider is representative of all Patriot flash drives having password protection features.

125. Accordingly, RITEK's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by RITEK infringe claims of the '759 Patent.

126. Moreover, on information and belief, RITEK learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, RITEK contributes to and induces infringement of the '759 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advise regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibits 63–65; 94).

c) D'426 Patent

127. On information and belief, RITEK is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that infringe the claim of the D'426 Patent. (See Exhibit 93).

128. A claim analysis reading the claim of the D'426 Patent on a representative RITEK's USB flash drive (EZ Slider) is attached herewith. (See Exhibit 93).

129. Accordingly, RITEK's EZ Slider drives which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by RITEK infringe the claim of the D'426 Patent.

**F. Verbatim Corporation, Inc. (and US subsidiary, Verbatim Americas, LLC)
Accused Products**

130. Upon information and belief, Verbatim Corporation, Inc. (and US subsidiary, Verbatim Americas, LLC) ("Verbatim") offers a wide variety of USB flash drives of various specifications. (See Exhibit 71). Further, on information and belief, Verbatim manufactures

USB flash drives in their foreign facilities and imports its USB flash drives for sale in the United States. (See Exhibit 72). Verbatim's USB flash drives are also sold after importation in the United States by third party retailers. At this time without the benefit of discovery, Trek is unaware of the identity of all third party manufacturers, assemblers, or retailers of Verbatim USB flash drives.

131. Upon information and belief, Verbatim unlawfully sells for importation, imports or sells after importation into the United States devices that infringe at least claims 3-5 of the '054 patent, at least claims 1 and 10 of the '759 patent, and the claim of the D'426 patent. (See Exhibits 95–97). Such infringing products include Verbatim's USB flash drive products having a password protection (i.e. Store 'n' Go series, BlazeDrive, Tuff-'n'-Tiny, Tuff-Clip). (See Exhibit 71).

a) '054 Patent

132. On information and belief, Verbatim is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, at least claim 3-5 of the '054 Patent. (See Exhibit 95).

133. A claim analysis reading independent claim 3 of the '054 Patent on a representative Verbatim USB Flash Drive (BlazeDrive) is attached herewith. (See Exhibit 95). On information and belief, Verbatim's BlazeDrive is representative of all Verbatim flash drives having password protection features.

134. Accordingly, Verbatim's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Verbatim infringe claims of the '054 Patent.

135. Moreover, on information and belief, Verbatim learned of the '054 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Verbatim contributes to and induces infringement of the '054 Patent claims by making,

importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advise regarding infringing uses, with knowledge that these Accused Products infringe the '054 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibit 71; 98).

b) '759 Patent

136. On information and belief, Verbatim is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that either directly or indirectly infringe, or infringe through the doctrine of equivalents, at least independent claims 1 and 10 of the '759 Patent. (See Exhibit 96).

137. A claim analysis reading independent claims 1 and 10 of the '759 Patent on a representative Verbatim USB flash drive (BlazeDrive) is attached herewith. (See Exhibit 96). On information and belief, Verbatim's BlazeDrive is representative of all Verbatim's flash drives having password protection features.

138. Accordingly, Verbatim's USB flash drives having password protection features which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Ivation infringe claims of the '759 Patent.

139. Moreover, on information and belief, Verbatim learned of the '759 Patent and its infringing products at least at the time of the filing of this Complaint. On information and belief, Verbatim contributes to and induces infringement of the '759 Patent claims by making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States its infringing USB flash drives with instructions, directions, and advise regarding infringing uses, with knowledge that these Accused Products infringe the '759 Patent, have no substantial non-infringing use, and are not a staple item. (See Exhibit 71; 98).

c) D'426 Patent

140. On information and belief, Verbatim is making, importing into the United States, selling for importation into the United States, and/or selling after importation into the United States USB flash drives that infringe the claim of the D'426 Patent. (See **Exhibit 97**).

141. A claim analysis reading the claim of the D'426 Patent on a representative Verbatim's USB Flash Drive (BlazeDrive) is attached herewith. (See **Exhibit 97**).

142. Accordingly, Verbatim's BlazeDrive which are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Verbatim infringe the claim of the D'426 Patent.

VI. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

143. On information and belief, the Accused Products are believed to fall within at least the following classifications of the Harmonized Tariff Schedule of the United States: item numbers 8471.70.9000. The Harmonized Tariff Schedule numbers are for illustrative purposes only, and are not intended to be restrictive of the scope of the Accused Products.

VII. SPECIFIC INSTANCES OF IMPORTATION

A. Imation

144. On information and belief, Imation imports Accused Products from Taiwan and in turn sells the imported Accused Products in the United States. (See **Exhibits 29-30**). As shown in **Exhibits 29 and 30**, Imation's Swivel and Imation's Atom, which are available for purchase in the United States, and more specifically, available for purchase and shipment from Amazon.com, are marked as "Made in Taiwan." Accordingly, Imation's Swivel and Imation's Atom are imported from Taiwan and are offered for sale in the United States. Additionally, Imation imports components from China which are in turn used for assembly in the United States of the Accused Products. (See **Exhibit 99**). As shown in **Exhibit 99**, Imation's Defender F200, which is available for purchase in the United States, contains components marked as manufactured in China (as signified by the "CHN" designation on a semiconductor component)

and components manufactured in Mexico (as signified by the “MX” designation on a semiconductor component).

145. Accordingly, on information and belief, Imation violates Section 337 through the importation and sale after importation of Accused Products, and the importation of components from China or Mexico which will ultimately be assembled and sold by Imation in the United States.

B. IronKey

146. IronKey’s products are available for purchase in the United States, and more specifically, available for purchase and shipment from Amazon.com. On information and belief, IronKey imports components from Hong Kong which are in turn used for assembly in the United States of the Accused Products. Information obtained from www.datamyne.com indicates specific instances of IronKey’s importation of components from Hong Kong into the United States for final assembly into Accused Products (See Exhibit 40). All of the products manufactured and sold by IronKey are Accused Products, accordingly, any component that is imported is by IronKey is employed in an Accused Products. On information and belief, IronKey performs final assembly steps in the United States in order to enhance the security of its products. However, on information and belief, portions of the Accused Products are imported into the United States for final assembly, as the Accused Products do not have the marking “Made in the USA.”

147. Consequently, IronKey has imported and will continue to import into the United States components from Hong Kong which will ultimately be assembled into Accused Products and sold by IronKey in the United States.

C. Kingston

148. On information and belief, Kingston imports Accused Products from Taiwan and in turn sells the imported Accused Products in the United States (See Exhibit 52). As shown in **Exhibit 52**, Kingston’s DataTraveler Locker, which is available for purchase in the United

States, and more specifically, available for purchase and shipment from Amazon.com, is marked as “Assembled in Taiwan.” Accordingly, Kingston’s DataTraveler Locker is imported from Taiwan and is offered for sale in the United States.

149. Accordingly, on information and belief, Kingston violates Section 337 through the importation, and sale after importation, of Accused Products.

D. Patriot

150. On information and belief, Patriot imports Accused Products from Taiwan and in turn sells the imported Accused Products in the United States (See Exhibits 57-58). As shown in **Exhibits 57-58**, Patriot’s Bolt and Patriot’s Dash, which are available for purchase in the United States, and more specifically, available for purchase and shipment from Amazon.com, are marked as “Assembled in Taiwan.” Accordingly, Patriot’s Bolt and Patriot’s Dash are imported from Taiwan and are offered for sale in the United States.

151. Accordingly, on information and belief, Patriot violates Section 337 through the importation, and sale after importation, of Accused Products.

E. RITEK

152. On information and belief, RITEK imports Accused Products from Taiwan and in turn sells the Accused Products in the United States (See Exhibit 66). As shown in **Exhibit 66**, RITEK’s EZ Slider, which is available for purchase in the United States, and more specifically, available for purchase and shipment from Amazon.com, is marked as “Made in Taiwan.” Accordingly, RITEK’s EZ Slider is imported from Taiwan and is offered for sale in the United States.

153. Accordingly, on information and belief, RITEK violates Section 337 through the importation, and sale after importation, of Accused Products.

F. Verbatim

154. On information and belief, Verbatim imports Accused Products from China and in turn sells the imported Accused Products in the United States (See Exhibit 72). As shown in

Exhibit 68, Verbatim's Store 'n' Go BlazeDrive, which is available for purchase in the United States, and more specifically, available for purchase and shipment from Amazon.com, is marked as "Made in China." Accordingly, Verbatim's Store 'n' Go BlazeDrive is imported from China and is offered for sale in the United States.

155. Accordingly, on information and belief, Verbatim violates Section 337 through the importation, and sale after importation, of Accused Products.

VIII. LICENSES

156. Trek 2000 International Ltd., Trek Technology (Singapore) Pte. Ltd., and S-Com System have licensed the patents-in-suit. A list of licensees is attached to this Complaint as **Confidential Exhibit 12**.

IX. DOMESTIC INDUSTRY

157. As required by Section 337(a)(2) and defined by Section 337(a)(3), a domestic industry in the United States exists in connection with the patents-in-suit.

158. Trek conducts significant domestic licensing and enforcement activities in the United States relating to the patents-in-suit. These activities include Trek's substantial investment in the exploitation of the patents-in-suit. Trek's substantial investment in the United States in the enforcement and licensing of its patents constitutes a domestic industry.

159. Trek invested substantial amounts in the United States towards analyzing third party products in comparison to Trek's patents, and Trek has invested substantial amounts in the United States towards enforcing the patents-in-suit, and in negotiating licenses for Trek's patents. A list of Trek's licensees is available as **Confidential Exhibit 12** and copies of the agreements resulting from or pertaining to Trek's investment in the United States are available as **Confidential Exhibits 13-15, 100 and 101**. Further information regarding Trek's domestic investment in exploiting the Patents-in-Suit is available in the declaration of Foo Kok Wah included as **Confidential Exhibit 16**. In the United States, Trek continues to invest in licensing its patents, including investments towards maintenance of the existing licenses and also towards

seeking additional licensees of the Patents-in-Suit. These investments in past and continued licensing constitute a substantial investment in exploiting the Patents-in-Suit.

160. A Domestic Industry, under Subpart (C) of Section 337(a)(3), exists by virtue of a Trek's substantial investment in the exploitation of the subject patents.

X. RELATED LITIGATION

A. Domestic Litigation

161. Prior to filing this Complaint, on August 5, 2006, Trek filed a Complaint in the United States District Court for the Central District of California against non-respondents Hana Micron Inc. and Hana Micron America, Inc. alleging infringement of the '054 patent and the '759 patent. The case was terminated based on a voluntary dismissal filed on December 12, 2006.

B. Foreign Litigation

162. Prior to filing this Complaint, Trek filed a Complaint in 2002 in the Supreme Court of Singapore against M-Systems Flash Disk Pioneers Ltd., FE Global Electronics Pte. Ltd., Electec Pte. Ltd., and Ritronics Components (Singapore) Pte. Ltd, alleging infringement of Trek's Singapore patent No. 87504 (WO 01/61692) with respect to Trek's data storage device known as the "ThumbDrive." Patent No. 87504 is related to the '054 patent and the '759 patent. In that suit, Trek sought damages for infringement of its patent as well as injunctions to stop the appellants from making, selling or disposing of any products that infringed its patent.

163. On May 12, 2005, the High Court held that M-Systems and Ritronics were liable in damages to Trek for infringing the patent. M-Systems and Ritronics appealed and, in a decision dated December 30, 2005, lost their appeal.

164. There has been no prior foreign litigation involving the patents-in-suit.

C. Reexamination

165. There has been no reexamination of the patents-in-suit.

XI. RELIEF REQUESTED

166. WHEREFORE, by reason of the foregoing, Trek respectfully requests that the United States International Trade Commission:

- a. institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, into the unlawful importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation Imation, IronKey, Kingston, Patriot, RITEK, and Verbatim, and others of certain USB portable storage devices, including flash drives and ThumbDrives, that infringe one or more claims of the United States patents-in-suit;
- b. determine that there has been a violation of Section 337;
- c. issue a limited exclusion order pursuant to Section 337(d) excluding from entry into the United States all Accused Products manufactured, imported, sold or sold for importation by or on behalf of Imation, IronKey, Kingston, Patriot, RITEK, and Verbatim or any of their affiliates, subsidiaries, other related business entities or their successors or assigns that infringe one or more claims of the United States patents-in-suit;
- d. issue a permanent cease-and-desist order pursuant to Section 337(f) prohibiting Imation, IronKey, Kingston, Patriot, RITEK, and Verbatim, their affiliates, subsidiaries, successors, or assigns, from importing, selling, demonstrating, distributing, or otherwise transferring, including the movement or shipment of inventory, in the United States, and soliciting U.S. agents or distributors for, any imported Accused Products that infringe one or more claims of the United States patents-in-suit; and issue such other and further relief as the Commission deems appropriate.

Dated: June 14, 2011

Respectfully submitted,
Counsel for Complainants
TREK 2000 INTERNATIONAL LTD.,
TREK TECHNOLOGY PTE. LTD.,
S-COM SYSTEM PTE. LTD.

By: 

Matthew P. Lewis
mlewis@whitecase.com
J. Jonathan Hawk
jhawk@whitecase.com
Susanna Chenette
schenette@whitecase.com
WHITE & CASE LLP
633 West Fifth Street, Suite 1900
Los Angeles, California 90071
Tel: (213) 620-7700
Fax: (213) 452-2329

Shamita D. Etienne-Cummings
setienne@whitecase.com
Monisha Deka
mdeka@whitecase.com
WHITE & CASE LLP
701 13th Street NW
Washington, DC 20005
Telephone: (202) 626-3600
Facsimile: (202) 626-9355