

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**MACRONIX INTERNATIONAL CO.,  
LTD**, a Taiwanese corporation,

Plaintiff,

v.

**SPANSION INC.**, a Delaware corporation,  
and **SPANSION LLC**, a Delaware  
corporation,

Defendants.

**Civil Action No.: 3:13-cv-00679-REP**

**MACRONIX INTERNATIONAL CO., LTD’S  
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Macronix International Co., Ltd. (“Macronix”) brings this first amended complaint for patent infringement against Spansion, Inc. and Spansion LLC (collectively, the “Defendants”), and in support thereof states as follows:

**INTRODUCTION**

1. Macronix brings this action pursuant to the patent laws of the United States, including 35 U.S.C. § 271, et seq. Defendants have and continue to infringe one or more claims of U.S. Patent Nos. 5,619,052 (“the ’052 Patent”); 5,836,772 (“the ’772 Patent”); 5,998,826 (“the ’826 Patent”); 6,031,757 (“the ’757 Patent”); 6,421,267 (“the ’267 Patent”); 8,341,324 (“the ’324 Patent”); and 8,341,330 (“the ’330 Patent”) (collectively, the “Macronix Patents” or the “Patents-in-Suit”). True and correct copies of the Macronix Patents are attached hereto as Exhibits A through G, respectively.

## **THE PARTIES**

2. Macronix International Co., Ltd. is a corporation organized under the laws of Taiwan, having its principal place of business at No. 16, Li-Hsin Road, Science Park, Hsin-chu, Taiwan, Republic of China. Macronix is the owner of all right, title and interest to the Macronix Patents, including the right to collect damages for past infringement of the Macronix Patents.

3. Upon information and belief, Spansion, Inc. is incorporated in Delaware and its headquarters are located at 915 DeGuigne Drive, Sunnyvale, CA 94085. Spansion, Inc. makes, uses, sells, offers to sell, and imports flash memory chips that infringe the Macronix Patents in this District and elsewhere.

4. Upon information and belief, Spansion LLC is a wholly owned operating subsidiary company of Spansion, Inc. Spansion LLC is incorporated in Delaware and its headquarters are located at 915 DeGuigne Drive, Sunnyvale, CA 94085. Spansion LLC makes, uses, sells, offers to sell, and imports flash memory chips that infringe the Macronix Patents in this District and elsewhere.

## **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, this Court has personal jurisdiction over Defendants for at least the following reasons: (i) Defendants have committed acts of willful patent infringement, and/or induced acts of patent infringement by others, in this District and elsewhere in Virginia and the United States; (ii) Defendants knowingly and intentionally place their

products, including the accused products, into the stream of commerce within this District and can reasonably be expected to be hailed into court here; and (iii) Defendants have voluntarily consented to the jurisdiction of this Court with regard to patent infringement actions involving flash memory devices, including because Spansion LLC previously filed a similar action within this District and further opposed transferring that case out of this District.

7. Upon information and belief, venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Defendants are subject to personal jurisdiction in this District and have committed acts of infringement in this District. For instance, upon information and belief, Defendants have sold infringing products to downstream customers located in this District, including: Cornet Technology, Inc., Encore Networks, Power Monitors, Inc., Vidar Systems, and NAL Research.

### **BACKGROUND**

8. Established in 1989, Macronix is a leading innovator of non-volatile memory semiconductor solutions. Led by scientists and researchers, Macronix dedicates a substantial portion of its revenue, upwards of \$170 million annually, to research and development and regularly publishes and presents technical papers in major international conferences to help bring the next generation of non-volatile memory solutions to consumers all over the world. Macronix's cutting-edge technology is used in a wide range of products.

9. Macronix has made substantial investments in protecting its intellectual property. Macronix has over 5,000 patents issued to it worldwide, including over 1,700 United States patents. According to a 2011 study by the Patent Board™, among the 240 semiconductor

companies evaluated, Macronix's patent portfolio was ranked as the 18<sup>th</sup> worldwide and 1<sup>st</sup> in the Taiwanese semiconductor industry.

10. However, Macronix's ability to provide consumers with innovative technology is dependent upon its ability to protect its innovations. To that end, Macronix's ability to compete has been significantly compromised by the acts complained of in this Complaint.

### **ASSERTED PATENTS**

11. Macronix is the owner of all rights, title, and interest in the Macronix Patents, including the right to bring this suit for injunctive relief and damages.

12. The '052 Patent, titled "Interpoly Dielectric Structure in EEPROM Device," was duly and legally issued by the United States Patent and Trademark Office on April 8, 1997.

13. The '772 Patent, titled "Interpoly Dielectric Process" was duly and legally issued by the United States Patent and Trademark Office on Nov. 17, 1998.

14. The '826 Patent, titled "Triple Well Floating Gate Memory and Operating Method with Isolated Channel Program, Preprogram and Erase Processes" was duly and legally issued by the United States Patent and Trademark Office on Dec. 7, 1999.

15. The '757 Patent, titled "Write Protected, Non-Volatile Memory Device with User Programmable Sector Lock Capability" was duly and legally issued by the United States Patent and Trademark Office on Feb. 29, 2000.

16. The '267 Patent, titled "Memory Array Architecture" was duly and legally issued by the United States Patent and Trademark Office on Jul. 16, 2002.

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