

AMENDED INFRINGEMENT CHART

Patent: U.S. Patent No. 6,243,315
Patent Claim(s) 1

Company: **SMART MODULAR TECHNOLOGIES INC. (“SMART MODULAR”)**

PRODUCTS CONSIDERED

1. DDR2 (all versions)
2. DDR3 (all versions)
3. DDR4 (all versions)

PRELIMINARY DISCUSSION

Memory systems incorporating DDR2, DDR3, and DDR4 memory products infringe claim 1 of the ‘315 Patent; and there are substantially no non-infringing uses of DDR2, DDR3, and DDR4 memory products. Nor are these memory products staples in commerce. Smart Modular tests the memory products for compliance with the JEDEC Specifications, and to collect data for marketing the memory products. Hence, Smart Modular “adds” the components for direct infringement.

The respective designation of the memory products as “DDR2”, “DDR3”, and “DDR4” means that the respective products comply with the JEDEC STANDARDS: See DDR2 SDRAM SPECIFICATION (JESD79-2F), under the heading, “NOTICES” stating “No claims to be in conformance with this standard may be made unless all requirements stated in the standard are met”. See DDR3 SDRAM STANDARD (JESD79-3F) and DDR3 SDRAM STANDARD (JESD79-3F) for the same statement under “NOTICES”.

Thus, any additional company designations in addition to DDR2, DDR3, and DDR4 does not alter the obligation of Smart Modular to comply with the JEDEC standards.

Copies of the above identified JEDEC Specifications have already been supplied on a disk served on Smart Modular.

The Federal Circuit has recently stated:

We hold that a district court may rely on an industry standard in analyzing infringement. If a district court construes the claims and finds that the reach of the claims includes any device that practices a standard, then this can be sufficient for a finding of infringement. We agree that claims should be compared to the accused product to determine infringement. However, if an accused product operates in accordance with a standard, then comparing the claims to the standard is the same as comparing the claims to the accused product. *Fujitsu Limited et al. v. Netgear Inc.*, 620 F. 3d 1312 (Fed. Cir. 20110)

Hence, it is only necessary to compare the DDR2, DDR3, and DDR4 memory products with the added equipment used by Smart Modular to the respective JEDEC Standards to show direct infringement.

CLAIM CHART AND ASSOCIATED CONSTRUCTION

U.S. Patent No. 6,243,315

SMART MODULAR PRODUCTS

<p>Claim 1. A memory system for use in a computer system, said memory system comprising:</p>	<p>SMART MODULAR manufactures DDR2, DDR3, and DDR4 memory products for use in memory systems such as computers, and similar devices. Incorporating one of the memory products into a computer and similar devices adds the claim components to the memory products to create the memory system according to claim 1.</p> <p>Smart Modular sometimes adds words or codes to the designation of its memory products; however, the use of the respective designations of DDR2, DDR3, and DDR4 requires the memory products to comply with the respective JEDEC Specifications.</p> <p>This chart is for the memory system created when Smart Modular tests the respective memory products.</p>
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<p>a plurality of volatile solid state memory devices that retain information when an electrical power source is applied to said memory devices within a predetermined voltage range and</p> <p>capable of being placed in a self refresh mode;</p> <p>said memory devices having address lines and control lines;</p>	<p>For DDR2, see JEDEC, No. 79-2F, Section 2.4, Table 3 showing four banks of memory which under the doctrine of equivalents is a plurality of memory devices, and Section 6 for the predetermined voltage range.</p> <p>For DDR3, see JEDEC, No 79-3F, Section 2.11, Tables showing eight banks of memory which under the doctrine of equivalents is a plurality of memory devices, and Section 8 for the predetermined voltage range.</p> <p>For DDR4, see JEDEC, No. 79-4, Section 3.2, showing sixteen banks of memory which under the doctrine of equivalents is a plurality of memory devices, and Section 7 for the predetermined voltage range.</p> <p>For DDR2, see JEDEC, No. 79-2F, Sections 3.10 and 3.11.</p> <p>For DDR3, see JEDEC, No 79-3F, Section 4.15.</p> <p>For DDR4, see JEDEC, No. 79-4, Sections 4.27.</p> <p>For DDR2, see JEDEC, No. 79-2F, Section 2.3.</p> <p>For DDR3, see JEDEC, No 79-3F, Section 2.10.</p> <p>For DDR4, see JEDEC, No. 79-4, Sections 2.6.</p>

a control device for selectively electrically isolating said memory devices from respective address lines and respective control lines so that when said memory devices are electrically isolated, any signals received on said respective address lines and respective control lines do not reach said memory devices; and

For DDR2, see JEDEC, No. 79-2F, Sections 2.3, 3.10, 3.11, and 4.2, particularly to the “Don’t Care” function which is equivalent to electrically isolating. The “control device” is supplied by Smart Modular during its testing of the DDR2 to confirm compliance with the JEDEC Specification, and to use test results for marketing to other companies.

For DDR3, see JEDEC, No 79-3F, Section 4.1, 4.7, 4.15, 4.16, and 4.17.1 , particularly to the “Don’t Care” function which is equivalent to electrically isolating. The “control device” is supplied by Smart Modular during its testing of the DDR2 to confirm compliance with the JEDEC Specification, and to use test results for marketing to other companies.

For DDR4, see JEDEC, No. 79-4, Sections 4.1, 4.26, 4.27, and 4.28, .particularly to the “Don’t Care” function which is equivalent to electrically isolating. The “control device” is supplied by Smart Modular during its testing of the DDR2 to confirm compliance with the JEDEC Specification, and to use test results for marketing to other companies.

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