

**SMART EXHIBIT 1016**

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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

JAMES B. GOODMAN,  
Plaintiff,  
vs.  
SMART MODULAR TECHNOLOGIES INC.  
Defendant.

**Civil Action No. 14-CV-01380  
SECOND AMENDED COMPLAINT  
COMPLAINT FOR PATENT  
INFRINGEMENT AND  
DEMAND FOR JURY TRIAL  
Before District Judge Gray H. Miller**

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NOW COMES Plaintiff, JAMES B. GOODMAN (“Goodman” herein), through his attorney, and files this Second Amended Complaint for Patent Infringement and Demand for Jury Trial against SMART MODULAR TECHNOLOGIES INC. (“Smart Modular” herein).

**PARTIES**

1. Goodman is an individual residing in the State of Texas.
2. On information and belief from the web site for Smart Modular, the U.S. Corporate Headquarters is located at 39870 Eureka Drive, Newark, CA 94560.
3. On information and belief from the web site for Smart Modular, Smart Modular promotes the purchase of its products in this Federal Jurisdiction on its web site, and through an OEM Sales Manager assigned to Texas (as well as CO, UT, Southern CA, AZ, and NV).
4. In addition, on information and belief, Smart Modular has offices at 21638 State Highway 249, Houston, TX 77070, and has Channel Sales through Avnet, 12808 W. Airport Blvd., Suite 350, Sugarland, TX 77478.



**JURISDICTION AND VENUE**

- 1
- 2 5. This is an action for patent infringement of United States Patent No. 6,243,315
- 3 (hereinafter “The ‘315 Patent”) pursuant to the laws of the United States of
- 4 America as set forth in Title 35 Sections 271 and 281 of the United States Code.
- 5 This court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
- 6 Sec. 1338(a) and 28 U.S.C. Sec. 1331. Venue is proper in this judicial district
- 7 under 28 U.S.C. §§§ 1391(b), (c) and 1400(b).
- 8 6. On information and belief, Smart Modular is subject to this Court’s specific and
- 9 general personal jurisdiction, pursuant to due process and/or the Texas Long Arm
- 10 Statute, due to at least its business presence in this forum, including the
- 11 infringement alleged herein.
- 12 7. On information and belief, Smart Modular, directly and/or through intermediaries,
- 13 advertise at least through web sites and other web sites, offers to sell, sold and/or
- 14 distributed its memory products, and/or has induced the sale and use of its
- 15 memory products in this Judicial District. In addition, and on information and
- 16 belief, Smart Modular is subject to the Court’s general jurisdiction, including
- 17 from regularly doing business, or soliciting business, or engaging in other
- 18 persistent courses of conduct, and/or deriving substantial revenue from goods and
- 19 services provided to individuals and businesses in this Judicial District.
- 20 8. Venue is proper in this district because on information and belief, Smart Modular
- 21 has committed at least a portion of the infringement at issue in this case in this
- 22 Judicial District, and maintains offices in this Judicial District.

**BACKGROUND**

- 23
- 24 9. The relevant memory product sold by Smart Modular are within the standards
- 25 established by the JEDEC Solid State Technology Association, 3103 North 10<sup>th</sup>
- 26 Street, Suite 240-S, Arlington, VA 22201. The standards published by JEDEC
- 27 state: “No claims to be in conformance with this standard may be made unless all
- 28 requirements stated in the standard are met.”

- 1           10.     Thus, any memory product identified as being DDR2, DDR3, or DDR4 implies  
2           that the memory product conforms with the following JEDEC Standards JESD79-  
3           2F (for DDR2), JESD79-3F(for DDR3), or DESD79-4 (for DDR4), respectively.  
4           Each of these JEDEC Standard discloses that the memory product has at least two  
5           banks of memory (which is the equivalent of a plurality of memories), the main  
6           memory component of each memory product is a volatile memory (SDRAM), and  
7           each memory product is capable of a power down mode for a bank of memory  
8           when there is no activity and this power down mode makes the input lines in a  
9           “don’t care” state so nothing can go into the memory bank in a power down mode  
10          The “refresh” of the memory components is enabled in the power down mode.  
11          11.     Smart Modular sells and offers for sale at its web site memory modules DDR2,  
12          DDR3, and DDR4 for use in this Judicial District for infringing the ‘315 Patent.  
13          There are no other reasonable non-infringing uses for the aforementioned memory  
14          modules.  
15          12.     Smart Modular maintains headquarters in Newark, CA, where new products are  
16          developed and manufactured; and an R & D Center and Sales offices in Irvine,  
17          CA. See Exhibit A from the web site of Smart Modular.  
18          13.     Smart Modular maintains a Smart Memory Test Lab for testing and validating its  
19          products including memory products such as OEM (original equipment  
20          manufacturer) and off the shelf memory modules. Testing of memory modules  
21          require the use of a motherboard or the like to provide controllers to operate a  
22          memory module under operating conditions. See Exhibit B from the web site of  
23          Smart Modular showing what looks like computers with monitors and keyboards.  
24          14.     Smart Modular asserts the sale of memory modules such as DDR2 and DDR3 for  
25          OEM, replacement, and upgrades for Communications, Computing, Gaming,  
26          HOC, Industrial, Networking, Printers, Servers, and Storage. In addition, Smart  
27          Modular states on its web site that it “designs, manufactures, and rigorously tests  
28          each unit.” The DDR2 and DDR3 are necessary for the operation of the products  
            in the aforementioned categories, and the memory modules do not have other

1 reasonable non-infringing uses. See Exhibit C from the web site of Smart  
2 Modular showing each of the aforementioned categories and identifying DDR2  
3 and DDR3 memory modules specifically.

- 4 15. Smart Modular states on its web site in many places that it is a major supplier of  
5 memory modules to OEM companies; however, its OEM customers are not  
6 clearly identified. Smart Modular on its web site provides a memory upgrade  
7 configurator in the form of charts showing the correlation between specific  
8 companies and suitable memory modules. The charts show the direct correlation  
9 of OEM numbers and Smart PN for certain companies including Apple, Fujitsu-  
10 Siemens, HP-Compaq, Lenovo, Toshiba. Gateway, and Toshiba. After discovery  
11 establishes the OEM's supplied by Smart Modular, a determination will be made  
12 if it is appropriate to join additional parties, or sue any of those companies  
13 separately. See Exhibit D for DDR3 Memory Modules and Exhibit E for DDR2  
14 Memory Modules from the Smart Modular web site.

15 **CAUSES OF ACTION FOR PATENT INFRINGEMENT**

- 16 16. On June 5, 2001, the '315 Patent entitled "COMPUTER MEMORY SYSTEM  
17 WITH A LOW POWER MODE", was duly and legally issued to James B.  
18 Goodman, as the sole patentee.
- 19 17. Plaintiff Goodman is the sole owner of the '315 Patent, and has standing to bring  
20 this action.
- 21 18. Plaintiff Goodman has previously sued on the '315 Patent for patent infringement  
22 and licensed the following companies in the business of computer memory  
23 products: Alliance, Atmel, Infineon, Intel, Fujitsu, Elpida, Spansion, Hynix, ON  
24 Semiconductor, Nan Ya, and ISSI. In addition, IBM, Toshiba, Samsung, and  
25 Sharp are licensed under the '315 Patent.
- 26 19. On information and belief, the DDR2 and DDR3 memory devices operate within a  
27 computer system including control systems and other subsystems to enable the  
28 DDR2, and DDR3 memory devices to operate in accordance with Claim 1 of the  
'315 Patent, thereby making the Smart Modular DDR2 and DDR3 OEM direct

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