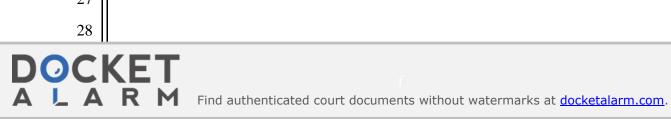
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11	Kingsion Technology Company, Inc.	
12	UNITED STATES DISTRICT COURT	
13	CENTRAL DISTRICT OF CALIFORNIA	
14		
15	POLARIS INNOVATIONS LIMITED,	Case No. 8:16-cv-00300-CJC-RAO
16	Plaintiff,	KINGSTON TECHNOLOGY
17	VS.	COMPANY, INC.'S FIRST
18	KINGSTON TECHNOLOGY COMPANY, INC.,	AMENDED ANSWER, AFFIRMATIVE DEFENSES,
19	INC.,	AND COUNTERCLAIMS TO
20	Defendant.	PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT
21		TATENT INFRINGENIENT
22		
23	Defendant Kingston Technology Company, Inc. ("Kingston"), by and through	
24	undersigned counsel, hereby files its First Amended Answer, Affirmative Defenses,	
25	and Counterclaims to Plaintiff Polaris Innovations Limited's ("Polaris") Complaint as	
26	follows:	
27		



FIRST AMENDED ANSWER TO COMPLAINT

JURISDICTION

- 1. Kingston admits the Complaint purports to state a cause of action for patent infringement arising under Title 35 of the United States Code. Kingston denies it has infringed the patents-in-suit. Kingston admits that subject matter jurisdiction over this action exists under 28 U.S.C. §§ 1331 & 1338(a). Except as expressly admitted, any remaining allegations of Paragraph 1 are denied.
- 2. Paragraph 2 states legal conclusions to which no response is required. Kingston does not contest that personal jurisdiction exists over Kingston for purposes of this action only. Kingston denies it has committed acts of patent infringement, including making, selling, offering to sell, directly or through intermediaries, subsidiaries and/or agents, infringing products within this district, including to customers in this district. Except as expressly admitted, any remaining allegations of Paragraph 2 are denied.

VENUE

3. Paragraph 3 states legal conclusions to which no response is required. Kingston admits it is headquartered in Fountain Valley, California. Any remaining allegations of Paragraph 3 are denied.

THE PARTIES

- 4. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies them.
- 5. Kingston admits it is a corporation organized and existing under the laws of Delaware with its principal place of business at 17600 Newhope Street, Fountain Valley, California 92708. Any remaining allegations of Paragraph 5 are denied.

NATURE OF THE ACTION

6. Paragraph 6 states legal conclusions to which no response is required. Kingston denies it has committed unauthorized, willful, or infringing manufacture,

use, sale, offering for sale, and/or importation of products and methods incorporating Polaris's patented inventions. Any remaining allegations of Paragraph 6 are denied.

- 7. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 and therefore denies them.
- 8. Paragraph 8 states legal conclusions to which no response is required. Kingston denies that it makes, sells, offers for sale, or imports products and methods that infringe the Asserted Patents. Any remaining allegations of Paragraph 8 are denied.

THE ASSERTED PATENTS

- 9. Kingston admits that what purports to be a copy of the United States Patent No. 6,157,589 ("the '589 Patent") is attached to the Complaint as Exhibit 1 and that the face of the '589 Patent bears the title "Dynamic semiconductor memory device and method for initializing a dynamic semiconductor memory device." Any remaining allegations of Paragraph 9 are denied.
- 10. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 and therefore denies them.
- 11. Kingston admits that what purports to be a copy of the United States Patent No. 6,438,057 B1 ("the '057 Patent") is attached to the Complaint as Exhibit 2 and that the face of the '057 Patent bears the title "DRAM refresh timing adjustment device, system and method." Any remaining allegations of Paragraph 11 are denied.
- 12. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 and therefore denies them.
- 13. Kingston admits that what purports to be a copy of the United States Patent No. 6,850,414 B2 ("the '414 Patent") is attached to the Complaint as Exhibit 3 and that the face of the '414 Patent bears the title "Electronic printed circuit board having a plurality of identically designed housing-encapsulated semiconductor memories." Any remaining allegations of Paragraph 13 are denied.

- 14. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 and therefore denies them.
- 15. Kingston admits that what purports to be a copy of the United States Patent No. 7,206,978 B2 ("the '978 Patent") is attached to the Complaint as Exhibit 4 and that the face of the '978 Patent bears the title "Error detection in a circuit module." Any remaining allegations of Paragraph 15 are denied.
- 16. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 and therefore denies them.
- 17. Kingston admits that what purports to be a copy of the United States Patent No. 7,315,454 B2 ("the '454 Patent") is attached to the Complaint as Exhibit 5 and that the face of the '454 Patent bears the title "Semiconductor memory module." Any remaining allegations of Paragraph 17 are denied.
- 18. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 and therefore denies them.
- 19. Kingston admits that what purports to be a copy of the United States Patent No. 7,334,150 B2 ("the '150 Patent") is attached to the Complaint as Exhibit 6 and that the face of the '150 Patent bears the title "Memory module with a clock signal regeneration circuit and a register circuit for temporarily storing the incoming command and address signals." Any remaining allegations of Paragraph 19 are denied.
- 20. Kingston is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20 and therefore denies them.

COUNT I:

KINGSTON'S PURPORTED INFRINGEMENT OF U.S. PATENT NO. 6,157,589

21. Kingston incorporates by reference its responses to the allegations in Paragraphs 1-20 above as if fully set forth herein.



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- 22. Paragraph 22 states legal conclusions to which no response is required. Kingston denies that it infringes, literally or under the doctrine of equivalents, the '589 Patent, and denies that any alleged infringement was willful. Any remaining allegations of Paragraph 22 are denied.
- 23. Kingston admits that what purports to be an image of the front and back views of Kingston's SM2280S3/120G product is shown in Paragraph 23. Any remaining allegations of Paragraph 23 are denied.
- Kingston admits that what purports to be a front image of Kingston's 24. SM2280S3/120G product is shown in Paragraph 24. Kingston admits that the purported SM2280S3 product shown in Paragraph 24 includes a dynamic random access memory (DRAM) chip (labeled Nanya NT5CC128M16FP in the photo shown in Paragraph 24) and a controller chip (labeled Phison PS3108 in the photo shown in Paragraph 24). Kingston denies that when Kingston, its customers, and other third parties turn on the products accused of infringing the '589 Patent, the controller chip supplies, via an initialization circuit, a supply voltage stable signal once a supply voltage has been stabilized after the switching-on operation of the dynamic semiconductor memory device. Kingston denies that the identified controller chip also supplies, via an enable circuit of the initialization circuit, an enable signal, the initialization circuit receiving the supply voltage stable signal and further command signals externally applied to the dynamic semiconductor memory device, after an identification of a predetermined proper initialization sequence of the further command signals, the enable signal being generated and effecting an unlatching of a control circuit provided for a proper operation of the dynamic semiconductor memory Kingston admits that Paragraph 24 alleges that a so-called Clock Enable Signal ("CKE signal") supplied by the Phison controller chip to the Nanya chips is the purported enable signal claimed in the '589 Patent. Kingston admits that Paragraph 24 also alleges that the so-called Mode Register Set ("MRS") command and/or the ZQ

DOCKET

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