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*Kingston Technology Company, Inc.*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14

15 POLARIS INNOVATIONS LIMITED,  
16  
17 Plaintiff,

17 vs.

18 KINGSTON TECHNOLOGY COMPANY,  
19 INC.,  
20 Defendant.

Case No. 8:16-cv-00300-CJC-RAO

**KINGSTON TECHNOLOGY  
COMPANY, INC.’S FIRST  
AMENDED ANSWER,  
AFFIRMATIVE DEFENSES,  
AND COUNTERCLAIMS TO  
PLAINTIFF’S COMPLAINT FOR  
PATENT INFRINGEMENT**

21  
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  
28



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

3 7. Kingston is without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations of Paragraph 7 and therefore denies them.

5 8. Paragraph 8 states legal conclusions to which no response is required.  
6 Kingston denies that it makes, sells, offers for sale, or imports products and methods  
7 that infringe the Asserted Patents. Any remaining allegations of Paragraph 8 are  
8 denied.

### 9 **THE ASSERTED PATENTS**

10 9. Kingston admits that what purports to be a copy of the United States  
11 Patent No. 6,157,589 ("the '589 Patent") is attached to the Complaint as Exhibit 1 and  
12 that the face of the '589 Patent bears the title "Dynamic semiconductor memory  
13 device and method for initializing a dynamic semiconductor memory device." Any  
14 remaining allegations of Paragraph 9 are denied.

15 10. Kingston is without knowledge or information sufficient to form a belief  
16 as to the truth of the allegations of Paragraph 10 and therefore denies them.

17 11. Kingston admits that what purports to be a copy of the United States  
18 Patent No. 6,438,057 B1 ("the '057 Patent") is attached to the Complaint as Exhibit 2  
19 and that the face of the '057 Patent bears the title "DRAM refresh timing adjustment  
20 device, system and method." Any remaining allegations of Paragraph 11 are denied.

21 12. Kingston is without knowledge or information sufficient to form a belief  
22 as to the truth of the allegations of Paragraph 12 and therefore denies them.

23 13. Kingston admits that what purports to be a copy of the United States  
24 Patent No. 6,850,414 B2 ("the '414 Patent") is attached to the Complaint as Exhibit 3  
25 and that the face of the '414 Patent bears the title "Electronic printed circuit board  
26 having a plurality of identically designed housing-encapsulated semiconductor  
27 memories." Any remaining allegations of Paragraph 13 are denied.



1           22. Paragraph 22 states legal conclusions to which no response is required.  
2 Kingston denies that it infringes, literally or under the doctrine of equivalents, the  
3 '589 Patent, and denies that any alleged infringement was willful. Any remaining  
4 allegations of Paragraph 22 are denied.

5           23. Kingston admits that what purports to be an image of the front and back  
6 views of Kingston's SM2280S3/120G product is shown in Paragraph 23. Any  
7 remaining allegations of Paragraph 23 are denied.

8           24. Kingston admits that what purports to be a front image of Kingston's  
9 SM2280S3/120G product is shown in Paragraph 24. Kingston admits that the  
10 purported SM2280S3 product shown in Paragraph 24 includes a dynamic random  
11 access memory (DRAM) chip (labeled Nanya NT5CC128M16FP in the photo shown  
12 in Paragraph 24) and a controller chip (labeled Phison PS3108 in the photo shown in  
13 Paragraph 24). Kingston denies that when Kingston, its customers, and other third  
14 parties turn on the products accused of infringing the '589 Patent, the controller chip  
15 supplies, via an initialization circuit, a supply voltage stable signal once a supply  
16 voltage has been stabilized after the switching-on operation of the dynamic  
17 semiconductor memory device. Kingston denies that the identified controller chip  
18 also supplies, via an enable circuit of the initialization circuit, an enable signal, the  
19 initialization circuit receiving the supply voltage stable signal and further command  
20 signals externally applied to the dynamic semiconductor memory device, after an  
21 identification of a predetermined proper initialization sequence of the further  
22 command signals, the enable signal being generated and effecting an unlatching of a  
23 control circuit provided for a proper operation of the dynamic semiconductor memory  
24 device. Kingston admits that Paragraph 24 alleges that a so-called Clock Enable  
25 Signal ("CKE signal") supplied by the Phison controller chip to the Nanya chips is the  
26 purported enable signal claimed in the '589 Patent. Kingston admits that Paragraph  
27 24 also alleges that the so-called Mode Register Set ("MRS") command and/or the ZQ  
28 Calibration ("ZQCL") command is the initialization sequence of the command

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