

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTEREY RESEARCH, LLC,)
)
 Plaintiff,)
) C.A. No. _____
 v.)
) **JURY TRIAL DEMANDED**
 NANYA TECHNOLOGY CORPORATION,)
 NANYA TECHNOLOGY CORPORATION,)
 U.S.A., and NANYA TECHNOLOGY)
 CORPORATION DELAWARE,)

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Monterey Research, LLC (“Monterey”), for its Complaint for Patent Infringement against Defendants Nanya Technology Corporation (“Nanya Technology Corp.”), Nanya Technology Corporation, U.S.A. (“Nanya USA”), and Nanya Technology Corporation Delaware (“Nanya Delaware”) (collectively, “Nanya” or “Nanya Defendants”) alleges as follows:

INTRODUCTION

1. Monterey is an intellectual property and technology licensing company. Monterey’s patent portfolio comprises over 2,700 active and pending patents worldwide, including approximately 2,000 active United States patents. Monterey’s patent portfolio stems from technology developed from a number of leading high-technology companies, including Cypress Semiconductor Corporation, Advanced Micro Devices, Fujitsu, NVX Corporation, Ramtron, and Spansion. Those companies developed key innovations that have greatly enhanced the capabilities of computer systems, increased electronic device processing power, and reduced electronic device power consumption. Among other things, those inventions produced significant technological advances, including smaller, faster, and more efficient semiconductors and integrated circuits.

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2. The Nanya Defendants, jointly and severally, have infringed and continue to infringe Monterey's patents. Moreover, despite Monterey notifying them of infringement, the Nanya Defendants have thus far refused to license Monterey's patents and, instead, have continued to make, use, sell, offer to sell, and/or import Monterey's intellectual property within the United States without Monterey's permission.

NATURE OF THE CASE

3. This action arises under 35 U.S.C. § 271 for Nanya's infringement of Monterey's United States Patent Nos. 6,363,031 ("the '031 patent"); 6,651,134 ("the '134 patent"); 6,680,516 ("the '516 patent"); 6,825,526 ("the '526 patent"); 6,902,993 ("the '993 patent"); and 7,158,429 ("the '429 patent") (collectively, "the Patents-in-Suit").

THE PARTIES

4. Plaintiff Monterey is a Delaware limited liability company with offices in New Jersey and California. Monterey maintains a registered agent for service in Delaware: Intertrust Corporate Services Delaware Ltd. located at 200 Bellevue Parkway, Suite 210, Wilmington, Delaware 19808.

5. Defendant Nanya Technology Corp. is a corporation organized under the laws of Taiwan, with a corporate office at No. 98 Nanlin Road Dake Vil., Taishan District, New Taipei City, Taiwan. Nanya Technology Corp. is a publicly traded company and is the parent corporation of defendants Nanya U.S.A. and Nanya Delaware.

6. Defendant Nanya U.S.A. is a California corporation with a principal place of business at 1735 Technology Drive, Suite 400, San Jose, California, 95110. Nanya U.S.A. is a wholly-owned subsidiary of Nanya Technology Corp. Nanya Technology Corp.'s semiconductor research and engineering business is conducted wholly or in part through the actions of Nanya U.S.A. Furthermore, Nanya U.S.A. is responsible for the sales, offers for sale, importation, and

marketing of Nanya's products throughout the United States. Nanya Technology Corp. controls and directs the actions of Nanya U.S.A., and therefore both directs Nanya U.S.A. to infringe and itself infringes Monterey's patents.

7. Defendant Nanya Delaware is a Delaware corporation with a principal place of business at 20 Winter Sport Lane, Suite 105, Williston, Vermont, 05945. Defendant Nanya Delaware is a wholly-owned subsidiary of Nanya Technology Corp. Nanya Delaware is responsible, among other things, for designing, researching, developing, and testing Nanya products. Nanya Technology Corp. controls and directs the actions of Nanya Delaware, and therefore both directs Nanya Delaware to infringe and itself infringes Monterey's patents. Nanya Delaware may be served through its registered agent for service, Business Filings Incorporated, 108 West 13th Street, New Castle, Delaware, 19801.

8. Nanya Technology Corp. exercises control over Nanya U.S.A. and Nanya Delaware, and acts collectively with Nanya U.S.A. and Nanya Delaware to infringe Monterey's patents by making, using, selling, offering for sale, and/or importing products (including importing products made by a patented process) throughout the United States, including within this District. Nanya's customers incorporate those products into downstream products that are made, used, sold, offered for sale, and/or imported throughout the United States, including within this District. Those downstream products include, but are not limited to, smartphones, tablets, televisions, smartwatches, and other products that include Nanya semiconductor devices and integrated circuits.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a) at least because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

10. Personal jurisdiction exists over each Nanya Defendant.

11. Personal jurisdiction exists over Nanya Delaware at least because Nanya Delaware is a Delaware corporation organized under the laws of the State of Delaware. Nanya Delaware also has a registered agent for service of process in Delaware. In addition, Nanya Delaware has committed, aided, abetted, contributed to and/or participated in the commission of acts of infringement giving rise to this action within the State of Delaware by, *inter alia*, directly and/or indirectly making, using, selling, offering for sale, importing products and/or practicing methods that practice one or more claims of the Patents-in-Suit. Furthermore, Nanya Delaware has transacted and conducted business in the State of Delaware and with Delaware residents by making, using, selling, offering to sell, and/or importing (including importing products made by a patented process) products and instrumentalities that practice one or more claims of the Patents-in-Suit. Among other things, Nanya Delaware, directly and/or through intermediaries, uses, sells, ships, distributes, imports into, offers for sale, and/or advertises or otherwise promotes its products throughout the United States, including in the State of Delaware. *See, e.g.*, www.nanya.com/en. At least for those reasons, Nanya Delaware has the requisite minimum contacts within the forum such that the exercise of jurisdiction over Nanya Delaware would not offend traditional notions of fair play and substantial justice.

12. Personal jurisdiction exists over Nanya U.S.A. and Nanya Technology Corp. at least because they have committed, aided, abetted, contributed to, and/or participated in the commission of acts of infringement giving rise to this action within the State of Delaware by, *inter alia*, directly and/or indirectly making, using, selling, offering for sale, importing products, and/or practicing methods that practice one or more claims of the Patents-in-Suit. Nanya U.S.A., under the control of Nanya Technology Corp., is responsible for sales and marketing in the United States,

and transacted and conducted business in the State of Delaware and with Delaware residents with respect to the products and instrumentalities that practice one of more claims of the Patents-in-Suit. Among other things, Nanya U.S.A. and Nanya Technology Corp., directly and/or through intermediaries, use, sell, ship, distribute, import into, offer for sale, and/or advertise or otherwise promote their products throughout the United States, including in the State of Delaware. *See, e.g.*, www.nanya.com/en. For example, Nanya U.S.A. and Nanya Technology Corp. have committed and continue to commit acts of direct infringement in the State of Delaware by selling their products online, including through sales on Arrow and other online platforms. *See, e.g.*, <https://www.arrow.com/en/products/search?cat=&q=nanya+memory&r=true>. At least for those reasons, Nanya U.S.A. and Nanya Technology Corp. have the requisite minimum contacts within the forum such that the exercise of jurisdiction over Nanya U.S.A. and Nanya Technology Corp. would not offend traditional notions of fair play and substantial justice.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Nanya Delaware resides in this district and has committed acts of infringement in this district. Nanya U.S.A. has committed acts of infringement in this district, including in conjunction with Nanya Delaware by, among other things, selling and offering for sale in this district (and elsewhere) infringing products made, used, developed, tested, and otherwise practiced by Nanya Delaware, a resident in this district. Additionally, Nanya U.S.A. has acted in conjunction with and under the control of Nanya Technology Corp. by, among other things, selling and offering for sale in this district (and elsewhere) infringing products made, used, developed, tested, and otherwise practiced by Nanya Technology Corp. Venue is proper with respect to Nanya Technology Corp. at least because Nanya Technology Corp. is a foreign corporation, has committed acts of infringement in this district, and venue is proper in any district in which Nanya Technology Corp.

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