

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

Vervain, LLC

Plaintiff,

v.

Micron Technology, Inc.;
Micron Semiconductor Products, Inc.; and
Micron Technology Texas, LLC

Defendants.

Civil Action No. 6:21-cv-487

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vervain, LLC (“Vervain”) asserts the following claims for patent infringement against Defendants Micron Technology, Inc.; Micron Semiconductor Products, Inc.; and Micron Technology Texas, LLC (collectively “Micron” or “Defendants”), and alleges as follows.

NATURE OF THE ACTION

1. This is a civil action for infringement under the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.*
2. Vervain is the owner of all rights, title, and interest in U.S. Patent Nos. 8,891,298; 9,196,385; 9,997,240; and 10,950,300 (collectively, the “Asserted Patents”).
3. Defendants have infringed and continue to infringe one or more claims of Vervain’s Asserted Patents by making, using, offering to sell, and selling within the United States, and importing into the United States, including in this District, certain flash memory products. Vervain seeks injunctive relief and monetary damages.

4835-4222-2563

THE PARTIES

4. Plaintiff Vervain is a Texas limited liability company with its principal place of business located at 7424 Mason Dells Drive, Dallas, Texas 75230.

5. Defendant Micron Technology, Inc. (“Micron Technology”) is a Delaware corporation with a principal place of business at 8000 South Federal Way, Boise, Idaho 83716. Micron Technology also has a place of business at 101 West Louis Henna Boulevard, Suite 210, Austin, Texas 78728. Micron Technology is registered with the Texas Secretary of State to do business in Texas.

6. Defendant Micron Semiconductor Products, Inc. (“Micron Semiconductor”) is an Idaho corporation with a principal place of business at 8000 South Federal Way, Boise, Idaho 83716. Micron Semiconductor also has a place of business at 101 West Louis Henna Boulevard, Suite 210, Austin, Texas 78728. Micron Semiconductor is registered with the Texas Secretary of State to do business in Texas. Micron Semiconductor can be served through its registered agent, The Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

7. Defendant Micron Technology Texas, LLC (“Micron Texas”) is an Idaho limited liability company with a principal place of business at 8000 South Federal Way, Boise, Idaho 83716. Micron Texas also has places of business at 101 West Louis Henna Boulevard, Suite 210, Austin, Texas 78728; and 805 Central Expressway South #100, Allen, Texas 75013. Micron Texas can be served through its registered agent, The Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

8. Micron produces computer memory and computer data storage including dynamic random access memory (DRAM), flash memory, USB flash drives, and other memory products. Micron’s products are offered under the Micron, Crucial, and Ballistix brands, as well as private labels. Micron makes its own products in semiconductor fabrication plants in the United States

and other countries throughout the world. Micron sells its products to customers, including customers in this District, in the computer, networking and storage, consumer electronics, solid-state drives, and mobile telecommunications markets.

9. Micron maintains offices in Austin and Allen, Texas. Within the United States, Micron also has offices in Folsom, Irvine, Longmont, Milpitas, San Diego, and San Jose, California; Boise and Meridian, Idaho; Minneapolis, Minnesota; Lehi, Utah; Manassas, Virginia; and Seattle, Washington.¹ Outside the United States, Micron also has offices in China, India, Japan, Korea, Malaysia, Singapore, Taiwan, Belgium, Germany, Israel, Italy, and the United Kingdom.²

10. Micron operates semiconductor fabrication plants in Boise, Idaho; Lehi, Utah; and Manassas, Virginia, and fabricates and manufactures flash memory products in at least Manassas, Virginia.³ Outside the United States, Micron operates semiconductor fabrication plants in at least China, Japan, Singapore, and Taiwan.⁴

11. Micron operates and owns the micron.com website, and markets, offers, distributes, and provides technical support for its flash memory products throughout the United States including in this District.

12. Each of the Defendants develops, designs, manufactures, distributes, markets, offers to sell, or sells infringing products or services within the United States, including in this District, and otherwise purposefully directs infringing activities to this District in connection

¹ Ex. E, <https://www.micron.com/about/locations> (printed March 12, 2021).

² *Id.*

³ Ex. F, https://en.wikipedia.org/wiki/List_of_semiconductor_fabrication_plants (printed March 12, 2021).

⁴ *Id.*

with its Austin, Texas office; its micron.com website; and its other places of business in Texas and the rest of the United States.

13. Defendants have been and are acting in concert, and are otherwise liable jointly, severally, or otherwise for relief related to or arising out of the same transaction, occurrence, or series of transactions or occurrences related to the making, using, selling, offering for sale, or otherwise distributing the flash memory products in this District.

14. In addition, this action involves questions of law and fact that are common to all Defendants. For example, Defendants are making, using, offering for sale, selling, or otherwise distributing at least some of the same flash memory products in this District.

JURISDICTION AND VENUE

15. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over the matters asserted in this Complaint under 28 U.S.C. §§ 1331 and 1338(a) and 35 U.S.C. §§ 271 *et seq.*

16. This Court has personal jurisdiction over Defendants in accordance with due process and/or the Texas Long Arm Statute because, in part, Defendants “recruit[] Texas residents, directly or through an intermediary located in this state, for employment inside or outside this state.” Tex. Civ. Prac. & Rem. Code § 17.042(3).

17. This Court has personal jurisdiction over Defendants, in part because Defendants do continuous and systematic business in this District, including by providing infringing products and services to residents of this District that Defendants knew would be used within this District, and by soliciting business from residents of this District.

18. For example, Defendants are subject to personal jurisdiction in this Court because, *inter alia*, they have regular and established places of business in this District, including

offices located at 101 West Louis Henna Boulevard, Suite 210, Austin, Texas 78728.⁵ The Travis Central Appraisal District (CAD) website⁶ indicates that both Micron Technology and Micron Semiconductor own property at 101 West Louis Henna Boulevard, Suite 210, Austin, Texas 78728, and that in 2020, it was appraised at more the \$1.9 million dollars.⁷

19. Micron's Austin offices are regular and established places of business at least because these locations include many members of Micron's important teams, including storage system architects, SPME system architects, storage system engineers, storage solutions engineers, and software engineers. Micron posts job openings for its Austin office,⁸ and as of March 12, 2021, Micron was posting five job openings for its Austin office that were available or recently filled.⁹ These and additional job postings can be found on LinkedIn and various other websites.¹⁰

20. Based on publicly-available information, since 2012, Micron Technology has been the employer of approximately twenty-two recipients of H-1B visas who work and reside in

⁵ Ex. G, <https://www.micron.com/about/locations?country=USA&city=Austin> (printed March 12, 2021).

⁶ <https://www.traviscad.org/property-search/> (last visited March 12, 2021);

<http://propaccess.traviscad.org/clientdb/?cid=1> (last accessed March 12, 2021).

⁷ Ex. H, http://propaccess.traviscad.org/clientdb/Property.aspx?prop_id=874673 (printed March 12, 2021) (property record for Micron Technology);

http://propaccess.traviscad.org/clientdb/Property.aspx?prop_id=926072 (printed March 12, 2021) (property record for Micron Semiconductor).

⁸ Ex. I, <https://jobs.micron.com/search/?createNewAlert=false&q=&locationsearch=Austin> (printed March 12, 2021).

⁹ Ex. J, <https://jobs.micron.com/job/Austin-Staff-Software-Engineer-TX-73301/711336000/>

(printed March 26, 2021); Ex. K, <https://jobs.micron.com/job/Austin-Principal-SystemSoftware-Architect-1-TX-73301/719885200/> (printed March 26, 2021);

Ex. L, <https://jobs.micron.com/job/Austin%2C-TX-Senior-Software-Engineer-TX-73301/718011200/> (printed March 26, 2021);

Ex. M, <https://jobs.micron.com/job/Austin-Senior-Competitive-Strategist-Storage-Business-Unit-TX-73301/715488100/> (printed March 26, 2021).

¹⁰ Ex. N, <https://www.linkedin.com/jobs/micron-technology-jobs-austin-texas-metropolitan-area?position=1&pageNum=0> (printed March 12, 2021);

<https://www.indeed.com/jobs?q=Micron+Technology&l=Austin%2C+TX> (printed April 1, 2021).

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