

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of:

**CERTAIN NAND AND DRAM
MEMORY CHIPS AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-_____

**COMPLAINT OF MONOLITHIC 3D™ INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

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B	Certified Copy of U.S. Patent No. 12,362,330 Prosecution History
C	Certified Copy of U.S. Patent No. 12,400,961 Prosecution History
D	Certified Copy of U.S. Patent No. 12,464,734 Prosecution History
E	Certified Copy of U.S. Patent No. 12,564,006 Prosecution History
F	Copy of Prosecution Histories for Priority Application(s) of U.S. Patent No. 12,250,830
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I. INTRODUCTION

1. This Complaint is filed by MonolithIC 3D™ Inc. (“MonolithIC 3D” or “Complainant”), pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on the unlawful offer for sale for importation into the United States, sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of certain NAND and DRAM memory chips and products containing the same (“Accused Products”) by proposed Respondents: KIOXIA Holdings Corporation, KIOXIA Corporation, KIOXIA America, Inc., KIOXIA Engineering Corporation, KIOXIA Iwate Corporation, KIOXIA Systems Co., Ltd., and KIOXIA Semiconductor Taiwan Corporation (collectively, “KIOXIA”); and SK hynix Inc., SK hynix America Inc., and SK hynix Memory Solutions America Inc. (collectively, “SK hynix”) (altogether, the “Proposed Respondents”).

2. The Proposed Respondents’ Accused Products directly and/or indirectly infringe one or more claims of U.S. Patent Nos. 12,250,830 (“the ’830 Patent, attached as **Exhibit 1**), 12,362,330 (“the ’330 Patent, attached as **Exhibit 2**), 12,400,961 (“the ’961 Patent, attached as **Exhibit 3**), 12,464,734 (“the ’734 Patent, attached as **Exhibit 4**), and 12,564,006 (“the ’006 Patent, attached as **Exhibit 5**) (collectively, “the Asserted Patents”), in violation of Section 337(a)(1)(B).

3. The Accused Products directly and/or indirectly infringe at least the following claims of the Asserted Patents in violation of Section 337(a)(1)(B)(i)–(ii) and 35 U.S.C. §§ 271(a)–(c) and (g), either literally or under the doctrine of equivalents:

Asserted Patent	Asserted Independent Claims	Asserted Dependent Claims
’830 Patent	1, 4, 13	2, 14
’330 Patent	1, 8	2, 4-7, 9, 12-14
’961 Patent	1, 8, 15	2-7, 9-14, 16-20
’734 Patent	1, 15	2, 3, 6, 7, 16-20
’006 Patent	1	2, 4, 5, 7

4. As required by Sections 337(a)(2)–(3), an industry exists and/or is in the process of being established in the United States as the result of activities and investments in the United States relating to products that practice the Asserted Patents. These activities include the current and ongoing significant and substantial domestic investments in plant, equipment, labor, capital, engineering, and research and development of MonolithIC 3D’s licensee, [REDACTED] and its NAND and DRAM memory products.

5. As set forth in this Complaint, each of the Proposed Respondents imports into the United States, sells for importation into the United States, and/or sells within the United States after importation Accused Products that directly and/or indirectly infringe the Asserted Patents.

6. Complainant seeks limited exclusion orders (“LEO”) barring from entry the Accused Products imported, sold for importation, and/or sold within the United States after importation by the Proposed Respondents in violation of Section 337.

7. Complainant also seeks, as relief, permanent cease and desist orders (“CDO”) against the Proposed Respondents prohibiting the sale, offer for sale, advertising, marketing, packaging, distribution, maintenance of inventory, or solicitation of any sale of imported Accused Products, whether through traditional “brick and mortar” retailers, distributors, the Internet, or other e-commerce platform(s). Complainant also requests that the Commission impose a bond on the Proposed Respondents’ importation of the Accused Products that infringe any claim of the Asserted Patents to protect Complainant from further injury during the 60-day Presidential review period.

II. THE PARTIES

A. Complainant MonolithIC 3D™ Inc.

8. Complainant MonolithIC 3D™ Inc. is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 825 Watter's Creek Boulevard, Building M, Suite 250, Allen, Texas 75013.

9. MonolithIC 3D is an innovator in computer memory, logic, and electro-optics. MonolithIC 3D was originally founded and incorporated in 2009 under the name NuPGA by Zvi Or-Bach, the President and CEO of MonolithIC 3D. NuPGA's mission was to develop programmable logic technology with density, speed, and power approaching application-specific integrated circuits ("ASICs"). While developing improved field-programmable gate array ("FPGA") technology, the NuPGA team discovered a path for practical monolithic 3D integrated circuits ("IC"). Recognizing that this breakthrough and its many related innovations represented a paradigm shift for the entire semiconductor industry, Mr. Or-Bach changed the company strategy to focus on monolithic 3D-ICs and renamed the company to MonolithIC 3D™ Inc.

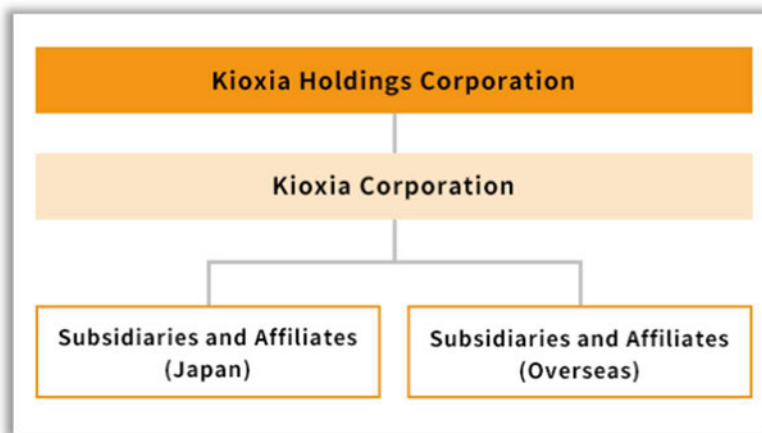
10. MonolithIC 3D's business involves researching, developing, and licensing technology, including NAND and DRAM technology. MonolithIC 3D has more than 300 U.S. patents related to multi-level IC technology, including over 90 U.S. patents related to 3D NAND flash memory technology and over 30 patents related to high bandwidth memory ("HBM") technology.

B. The Proposed Respondents

11. On information and belief, the Proposed Respondents include original equipment manufacturers, manufacturers, importers, sellers, re-sellers, and distributors, including agents therefor, that import, sell for importation, offer for sale, and/or sell within the United States after importation Accused Products that infringe one or more claims of the Asserted Patents.

1. The KIOXIA Respondents

12. On information and belief, according to KIOXIA Holdings Corporation's Annual Securities Report from April 1, 2024 to March 31, 2025 (the "KIOXIA Annual Securities Report"), Proposed Respondent KIOXIA Holdings Corporation ("KIOXIA Holdings") is a corporation organized under the laws of Japan with its principal place of business located at 1-21, Shibaura 3-chome, Minato-ku, Tokyo, Japan. *See Ex. 5* at 1, 8. On information and belief, KIOXIA Holdings is the parent company of KIOXIA Corporation (and all its subsidiaries and affiliates), which is involved in at least the research, development, design, production, and marketing of KIOXIA's Accused Products:



Ex. 7 at 2. On information and belief, KIOXIA Holdings is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA's Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

13. On information and belief, Proposed Respondent KIOXIA Corporation ("KIOXIA Corp.") is a corporation organized under the laws of Japan with its principal place of business located at 3-1-21, Shibaura, Minato-ku, Tokyo 108-0023, Japan. *See Ex. 8* at 1. According to its website, "KIOXIA Corporation is a wholly-owned subsidiary of KIOXIA Holdings Corporation." *Ex. 9* at 3. According to the KIOXIA Annual Securities Report, KIOXIA Corp. is responsible for

the “[r]esearch, development, design, production, and marketing of Memory and SSD products,” including KIOXIA’s Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA Corp. is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA’s Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

14. On information and belief, Proposed Respondent KIOXIA America, Inc. (“KIOXIA America”) is a corporation organized under the laws of California with its principal place of business located at 2160 Gold Street, San Jose, California 95002. *See* **Ex. 10** at 1. According to the KIOXIA Annual Securities Report, KIOXIA America is responsible for the “[m]arketing of Memory and SSD products,” including KIOXIA’s Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA America is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA’s Accused Products. *See* § V.A, ¶¶ 51-59 *infra*. On information and belief, according to its website, KIOXIA America has sales offices in the United States in at least the following locations, where it conducts sales and marketing activities for the Accused Products: San Jose, California; Irvine, California; Folsom, California; and Round Rock, Texas. *See* **Ex. 11** at 1.

15. On information and belief, Proposed Respondent KIOXIA Engineering Corporation (“KIOXIA Engineering”) is a corporation organized under the laws of Japan with its principal place of business located at Nagoya Fushimi K Square Building, 6th Floor, 14-19 Nishiki 2-chome, Naka-ku, Nagoya 460-0003, Japan. *See* **Ex. 12** at 1. According to the KIOXIA Annual Securities Report, KIOXIA Engineering is responsible for the “[d]evelopment, design, production of Memory products,” including KIOXIA’s Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA Engineering is involved in the importation, sale for importation into the United

States, and/or sale within the United States after importation of KIOXIA's Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

16. On information and belief, Proposed Respondent KIOXIA Iwate Corporation ("KIOXIA Iwate") is a corporation organized under the laws of Japan with its principal place of business located at 5-29 Kita Kogyo-Danchi, Kitakami-shi, Iwate, Japan. *See* **Ex. 13** at 1. According to the KIOXIA Annual Securities Report, KIOXIA Iwate is responsible for the "[p]roduction of Memory products," including KIOXIA's Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA Iwate is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA's Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

17. On information and belief, Proposed Respondent KIOXIA Systems Co., Ltd. ("KIOXIA Systems") is a corporation organized under the laws of Japan with its principal place of business located at STE Building, 2-5-1 Kasama, Sakae-ku, Yokohama, Kanagawa Prefecture, 247-8585, Japan. *See* **Ex. 14** at 2. According to the KIOXIA Annual Securities Report, KIOXIA Systems is responsible for the "[d]esign and development of Memory products, and customer support," including KIOXIA's Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA Systems is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA's Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

18. On information and belief, Proposed Respondent KIOXIA Semiconductor Taiwan Corporation ("KIOXIA Semiconductor") is a corporation organized under the laws of Taiwan with its principal place of business located at 3 F-5, No. 168, Sec. 3, Nanjing Road, Zhongshan District, Taipei City 104105, Taiwan. *See* **Ex. 15** at 1. According to the KIOXIA Annual Securities Report,

KIOXIA Semiconductor is responsible for the “[p]roduction management of subcontracted production in the post-process of Memory,” including KIOXIA’s Accused Products. **Ex. 6** at 72. On information and belief, KIOXIA Semiconductor is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of KIOXIA’s Accused Products. *See* § V.A, ¶¶ 51-59 *infra*.

19. On information and belief, Proposed Respondents KIOXIA Holdings, KIOXIA Corp., KIOXIA America, KIOXIA Engineering, KIOXIA Iwate, KIOXIA Systems, and KIOXIA Semiconductor (collectively, “KIOXIA”) manufacture, import into the United States, sell for importation, market, offer for sale, sell, and/or distribute within the United States certain Accused Products that infringe, literally and/or under the doctrine of equivalents, one or more claims of the Asserted Patents. *See* § V.A, ¶¶ 51-59 *infra*; § VI.A, ¶¶ 79-81 *infra*.

2. The SK hynix Respondents

20. On information and belief, Proposed Respondent SK hynix Inc. (“SKHI”) is a corporation organized under the laws of South Korea with its principal place of business located at 2091, Gyeongchung-daero, Bubal-eub, Icheon-si, Gyeonggi-do, South Korea 17336. *See* **Ex. 16** at 2. According to its website, SKHI’s “[a]rea of business” is the “[m]anufacture and sales of semiconductor devices,” which include the Accused Products. *Id.* On information and belief, SKHI is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of SK hynix’s Accused Products. *See* § V.B, ¶¶ 60-77 *infra*. SKHI is named on the product packaging for the SK hynix Accused Products that are manufactured abroad and imported, sold for importation into the United States, and/or sold within the United States after importation. *See* § V.B, ¶ 67 *infra*.

21. On information and belief, Proposed Respondent SK hynix America Inc. (“SKHA”) is a corporation organized under the laws of California with its principal place of

business located at 3101 North 1st Street, San Jose, California 95134. *See Ex. 17* at 1. On information and belief, SKHA is involved in the development, distribution, and marketing of the Accused Products. *See Ex. 18* at 1. On information and belief, SKHA is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of SK hynix's Accused Products. *See § V.B, ¶¶ 60-77 infra*. On information and belief, according to its website, SKHA has sales offices in the United States in at least the following locations, where it conducts sales activities relating to the Accused Products: San Jose, California; Seattle, Washington; Austin, Texas; Houston, Texas; and Raleigh, North Carolina. *See Ex. 19* at 1–2.

22. On information and belief, Proposed Respondent SK hynix Memory Solutions America Inc. (“SKHMS”) is a corporation organized under the laws of Delaware with its principal place of business located at 3103 North 1st Street, San Jose, California 95134. *See Ex. 20* at 1. On information and belief, according to its website, SKHMS “is a research and development (R&D) subsidiary of SK hynix, a global leader in semiconductor manufacturing,” which includes research and development of the Accused Products. *Ex. 21* at 11. On information and belief, SKHMS is involved in the importation, sale for importation into the United States, and/or sale within the United States after importation of SK hynix's Accused Products. *See § V.B, ¶¶ 60-77 infra*. According to its website, “SKHMS America operates in San Jose, California, USA, and specializes in customized NAND-based storage solutions,” which includes the Accused Products. *Ex. 21* at 11.

23. On information and belief, Proposed Respondents SKHI, SKHA, and SKHMS (collectively, “SK hynix”) manufacture, import into the United States, sell for importation, market, offer for sale, sell, and/or distribute within the United States certain Accused Products that infringe,

literally and/or under the doctrine of equivalents, one or more claims of the Asserted Patents. *See* § V.B, ¶¶ 60-77 *infra*; § VI.B, ¶¶ 78, 82-84 *infra*.

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE

24. Pursuant to 19 C.F.R. §§ 210.10(b)(1) and 210.12(a)(12), the categories of products accused of infringing one or more of the Asserted Patents are certain 3D NAND memory chips, HBM DRAM chips, and products containing the same. The Proposed Respondents infringe the Asserted Patents through the sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of such Accused Products. Exemplary identifications of such infringing products are provided in Sections V and VI below.

25. Proposed Respondent KIOXIA's Accused Products include products comprising 3D memory, including at least all KIOXIA 3D NAND memory products and products containing same. KIOXIA's Accused Products infringe all Asserted Patents. Proposed Respondent SK hynix's Accused Products include products comprising 3D memory, including at least all SK hynix 3D NAND memory products and all SK hynix HBM products and products containing same. All SK hynix Accused Products (3D NAND memory products and HBM products) infringe the '330 Patent, the '961 Patent, and the '006 Patent. The SK hynix 3D NAND memory products also infringe the '734 Patent. The SK hynix HBM products also infringe the '830 Patent. The table below is a preliminary identification of Accused Products and the Asserted Patents they infringe.

Respondent	3D NAND Products Infringed Patents	HBM DRAM Products Infringed Patents
KIOXIA	<u>SSD Products:</u> CM Series; PM Series; RM Series; FL Series; CD Series; XD Series; BG Series; XG Series <u>NAND Storage Products:</u> 3D Flash Memory (<i>e.g.</i> , BiCS Flash)	
	<u>Patents Infringed:</u> '830 Patent '330 Patent '961 Patent '734 Patent '006 Patent	
SK hynix	<u>SSD Products:</u> PEB000 series; PS1000 series; PE9000 series; PE8000 Series; PE6000 Series; SE5000 Series; PCB01/PVC10 series; PC801/BC901 series; PC/BC711 series <u>NAND Storage Products:</u> UE400 products; UD310/220 products; UD310A/210A UFS products; eMMC 5.1 series eMMC products	HBM3; HBM3E (<i>e.g.</i> , H5UG series); HBM2E (<i>e.g.</i> , H5WR series);
	<u>Patents Infringed:</u> '330 Patent '961 Patent '734 Patent '006 Patent	<u>Patents Infringed:</u> '830 Patent '330 Patent '961 Patent '006 Patent

26. The table above is not an exhaustive list of Accused Products. Discovery is necessary to identify all products sold for importation into the United States, imported into the United States, and/or sold within the United States after importation that infringe the Asserted Patents. Complainant reserves the right to supplement its allegations, add Accused Products, further amend this Complaint, and to add proposed respondents in the future, if necessary, based on discovery received during the Investigation.

IV. THE ASSERTED PATENTS

27. Certified copies of the Asserted Patents are attached as **Exhibits 1** through **5**. Certified copies of the assignment documents for the Asserted Patents are attached as **Exhibits 22** through **26**.¹ MonolithIC 3D is the sole and exclusive owner of all rights, title, and interest in the Asserted Patents and holds the exclusive right to take all actions necessary to enforce its rights to the Asserted Patents.

A. The '830 Patent

1. Identification of the Patent and Ownership

28. The '830 Patent, titled "3D Semiconductor Memory Devices and Structures," issued on March 11, 2025, naming Zvi Or-Bach and Jin-Woo Han as inventors. **Ex. 1** at 1. The '830 Patent is based on U.S. Patent Application No. 18/593,727, filed March 1, 2024, which is a continuation-in-part of application No. 18/385,383, filed on Oct. 1, 2023, which is a continuation-in-part of application No. 17/367,385, filed on Jul. 4, 2021, now Pat. No. 11,937,422, which is a continuation-in-part of application No. 16/786,060, filed on Feb. 10, 2020, now Pat. No. 11,114,427, which is a continuation-in-part of application No. 16/377,238, filed on Apr. 7, 2019, now Pat. No. 10,622,365, which is a continuation-in-part of application No. 15/911,071, filed on

¹ To the extent certified copies of the Asserted Patents, prosecution histories, and assignments are not included, they have been ordered and will be promptly filed once received.

Mar. 2, 2018, now Pat. No. 10,297,599, which is a continuation-in-part of application No. 15/344,562, filed on Nov. 6, 2016, now Pat. No. 9,953,994, application No. 18/593,727 is a continuation-in-part of application No. 16/797,231, filed on Feb. 21, 2020, which is a continuation-in-part of application No. 16/224,674, filed on Dec. 18, 2018, now abandoned, which is a continuation-in-part of application No. 15/761,426, filed as application No. PCT/US2016/052726 on Sep. 21, 2016, now Pat. No. 10,515,981. The '830 Patent is further entitled to priority based on provisional application No. 62/297,857, filed on Feb. 20, 2016, provisional application No. 62/269,950, filed on Dec. 19, 2015, provisional application No. 62/258,433, filed on Nov. 21, 2015, provisional application No. 62/252,448, filed on Nov. 7, 2015, and provisional application No. 62/221,618, filed on Sep. 21, 2015. The '830 Patent expires on September 21, 2036. A certified copy of the '830 Patent is attached as **Exhibit 1**. This complaint is accompanied by a certified copy of the prosecution history for the '830 Patent, three additional copies of the prosecution history, and one copy of the prosecution histories for the priority applications for the '830 Patent. *See Ex. 1; Appx. A; Appx. F.*

2. Nontechnical Description of the Patent

29. The '830 Patent relates to the general field of Integrated Circuit (IC) devices and fabrication methods, and more particularly to multilayer or Three Dimensional Integrated Memory Circuit (3D-Memory) devices and fabrication methods. The '830 Patent describes, for example, a 3D semiconductor device including: a first level including a first single crystal layer and a memory control circuit, the memory control circuit including a plurality of first transistors; a first metal layer overlaying the first single crystal layer; a second metal layer overlaying the first metal layer; a plurality of second transistors disposed atop the second metal layer; a third metal layer disposed atop the plurality of second transistors; and a memory array including word-lines and memory cells, where the memory array includes at least four memory mini arrays, where at least one of the

plurality of second transistors includes metal gate, where each of the memory cells includes at least one of the plurality of second transistors, where the memory control circuit includes at least one Look Up Table circuit (“LUT”), and where the device includes a hybrid bonding layer.

3. Foreign Patents, Foreign or Domestic Patent Applications (Not Already Issued As a Patent), and Foreign or Domestic Patent Applications (Denied, Abandoned, or Withdrawn) Corresponding to the Patent

30. The following pending domestic patent applications correspond to the ’830 Patent: U.S. Patent Application Nos. 19/385,053 and 19/349,986. To the best of Complainant’s knowledge, information, and belief, there are no foreign patents issued or foreign or other domestic patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the ’830 Patent.

4. Licensees

31. All licensees to the ’830 Patent are identified in **Confidential Exhibit 27C**. There are no other known licensees related to the ’830 Patent.

B. The ’330 Patent

1. Identification of the Patent and Ownership

32. The ’330 Patent, titled “3D Semiconductor Device and Structure With Connection Paths,” issued on July 15, 2025, naming Zvi Or-Bach and Brian Cronquist as inventors. **Ex. 2** at 1. The ’330 Patent is based on U.S. Patent Application No. 18/779,059, filed July 21, 2024, which is a continuation-in-part of application No. 17/384,796, filed on Jul. 25, 2021, now Pat. No. 12,094,829, which is a continuation-in-part of application No. 17/246,612, filed on May 1, 2021, now Pat. No. 11,107,808, which is a continuation-in-part of application No. 17/169,511, filed on Feb. 7, 2021, now Pat. No. 11,031,394, which is a continuation-in-part of application No. 17/064,504, filed on Oct. 6, 2020, now Pat. No. 10,950,599, which is a continuation-in-part of

application No. 16/846, 298, filed on Apr. 11, 2020, now Pat. No. 10,840,222, which is a continuation-in-part of application No. 16/252,825, filed on Jan. 21, 2019, now Pat. No. 10,658,358, which is a continuation-in-part of application No. 15/990,626, filed on May 26, 2018, now Pat. No. 10,297,586, said application No. 17/064,504 is a continuation-in-part of application No. 15/482, 787, filed on Apr. 9, 2017, now Pat. No. 10,840,239, said application No. 15/990,626 is a continuation-in-part of application No. 15/477,106, filed on Apr. 2, 2017, now Pat. No. 10,014,292, which is a continuation-in-part of application No. 14/642,724, filed on Mar. 9, 2015, now abandoned, said application No. 15/482,787 is a continuation-in-part of application No. 14/607,077, filed on Jan. 28, 2015, now Pat. No. 9,640,531. The '330 Patent is further entitled to priority based on provisional application No. 62/042,229, filed on Aug. 26, 2014, provisional application No. 62/035,565, filed on Aug. 11, 2014, provisional application No. 62/022,498, filed on Jul. 9, 2014, and provisional application No. 61/932,617, filed on Jan. 28, 2014. The '330 Patent expires on January 28, 2035. A certified copy of the '330 Patent is attached as **Exhibit 2**. This complaint is accompanied by a certified copy of the prosecution history for the '330 Patent, three additional copies of the prosecution history, and one copy of the prosecution histories for the priority applications for the '330 Patent. *See Ex. 2; Appx. B; Appx. G.*

2. Nontechnical Description of the Patent

33. The '330 Patent relates to the general field of Integrated Circuit (IC) devices and fabrication methods, and more particularly to multilayer or Three Dimensional Integrated Circuit (3D IC) devices and fabrication methods. The '330 Patent describes, for example, a 3D semiconductor devices, the device including: a first level, where the first level includes a first layer, the first layer including first transistors, and where the first level includes a second layer, the second layer including first interconnections; a second level overlaying the first level, where the second level includes a plurality of second transistors, where the second level includes a third

layer, the third layer including first conductive lines; a third level overlaying the second level, where the third level includes a plurality of third transistors, where the third level includes a fourth layer, the fourth layer including second conductive lines; and a plurality of connection paths, where the plurality of connection paths provides electrical connections at least from a plurality of the first transistors to the plurality of third transistors, and where the first level includes at least one voltage regulator.

3. Foreign Patents, Foreign or Domestic Patent Applications (Not Already Issued As a Patent), and Foreign or Domestic Patent Applications (Denied, Abandoned, or Withdrawn) Corresponding to the Patent

34. The following pending domestic patent applications correspond to the '330 Patent: U.S. Patent Application No. 19/241,517. To the best of Complainant's knowledge, information, and belief, there are no foreign patents issued or foreign or other domestic patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '330 Patent.

4. Licensees

35. All licensees to the '330 Patent are identified in **Confidential Exhibit 27C**. There are no other known licensees related to the '330 Patent.

C. The '961 Patent

1. Identification of the Patent and Ownership

36. The '961 Patent, titled "3D Semiconductor Device and Structure With Metal Layers," issued on August 26, 2025, naming Zvi Or-Bach and Brian Cronquist as inventors. **Ex. 3** at 1. The '961 Patent is based on U.S. Patent Application No. 18/783,965, filed July 25, 2024, which is a continuation-in-part of application No. 18/623,525, filed on Apr. 1, 2024, now Pat. No. 12,100,646, which is a continuation-in-part of application No. 18/384,883, filed on Oct. 29, 2023, now Pat. No. 11,990,462, which is a continuation-in-part of application No. 18/234,784, filed on

Aug. 16, 2023, now Pat. No. 11,923,374, which is a continuation-in-part of application No. 18/111,300, filed on Feb. 17, 2023, now Pat. No. 11,791,222, which is a continuation-in-part of application No. 17/900,073, filed on Aug. 31, 2022, now Pat. No. 11,631,667, which is a continuation-in-part of application No. 17/843,957, filed on Jun. 18, 2022, now Pat. No. 11,482,494, which is a continuation-in-part of application No. 17/586,730, filed on Jan. 27, 2022, now Pat. No. 11,398,569, which is a continuation-in-part of application No. 17/472,667, filed on Sep. 12, 2021, now Pat. No. 11,276,687, which is a continuation-in-part of application No. 17/367,386, filed on Jul. 4, 2021, now Pat. No. 11,145,657, which is a continuation-in-part of application No. 17/169,432, filed on Feb. 6, 2021, now Pat. No. 11,088,130, which is a continuation-in-part of application No. 17/065,424, filed on Oct. 7, 2020, now Pat. No. 10,950,581, which is a continuation-in-part of application No. 15/482,787, filed on Apr. 9, 2017, now Pat. No. 10,840,239, which is a continuation-in-part of application No. 14/607,077, filed on Jan. 28, 2015, now Pat. No. 9,640,531, which is a continuation-in-part of application No. 13/796,930, filed on Mar. 12, 2013, now Pat. No. 8,994,404. The '961 Patent is further entitled to priority based on provisional application No. 62/042,229, filed on Aug. 26, 2014, provisional application No. 62/035,565, filed on Aug. 11, 2014, provisional application No. 62/022,498, filed on Jul. 9, 2014, and provisional application No. 61/932,617, filed on Jan. 28, 2014. The '961 Patent expires on March 12, 2033. A certified copy of the '961 Patent is attached as **Exhibit 3**. This complaint is accompanied by a certified copy of the prosecution history for the '961 Patent, three additional copies of the prosecution history, and one copy of the prosecution histories for the priority applications for the '961 Patent. *See Ex. 3; Appx. C; Appx. H.*

2. Nontechnical Description of the Patent

37. The '961 Patent relates to the general field of Integrated Circuit (IC) devices and fabrication methods, and more particularly to multilayer or Three Dimensional Integrated Circuit

(3D IC) devices and fabrication methods. The '961 Patent describes, for example, a semiconductor device including: a first level including: a first silicon layer including a first single crystal silicon layer; first transistors each including a single-crystal channel; a first metal layer connected to the first transistors and the second metal layer; a third metal layer connected to the second metal layer; a second level including second transistors; a third level including third transistors, the third level is disposed over the second level which is disposed over the first level; a fifth metal layer disposed over a fourth metal layer disposed over the third level; and a via disposed through the second level, where at least one of the second transistors includes a metal gate, where the device includes at least one temperature sensor, and where at least one element within at least one of the second transistors has been processed independently of the third transistors.

3. Foreign Patents, Foreign or Domestic Patent Applications (Not Already Issued As a Patent), and Foreign or Domestic Patent Applications (Denied, Abandoned, or Withdrawn) Corresponding to the Patent

38. The following pending domestic patent applications correspond to the '961 Patent: U.S. Patent Application No. 19/280,176. To the best of Complainant's knowledge, information, and belief, there are no foreign patents issued or foreign or other domestic patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '961 Patent.

4. Licensees

39. All licensees to the '961 Patent are identified in **Confidential Exhibit 27C**. There are no other known licensees related to the '961 Patent.

D. The '734 Patent

1. Identification of the Patent and Ownership

40. The '734 Patent, titled "Method for Producing 3D Semiconductor Devices and Structures With Transistors and Memory Cells," issued on November 4, 2025, naming Deepak C.

Sekar and Zvi Or-Bach as inventors. **Ex. 4** at 1. The '734 Patent is based on U.S. Patent Application No. 18/973,101, filed December 8, 2024, which is a continuation-in-part of application No. 18/596,623, filed on Mar. 6, 2024, now Pat. No. 12,225,737, which is a continuation-in-part of application No. 18/234,368, filed on Aug. 15, 2023, now Pat. No. 11,956,976, which is a continuation-in-part of application No. 18/105,041, filed on Feb. 2, 2023, now Pat. No. 11,793,005, which is a continuation-in-part of application No. 17/898,475, filed on Aug. 29, 2022, now Pat. No. 11,600,667, which is a continuation-in-part of application No. 17/850,840, filed on Jun. 27, 2022, now Pat. No. 11,462,586, which is a continuation-in-part of application No. 17/718,932, filed on Apr. 12, 2022, now Pat. No. 11,469,271, which is a continuation-in-part of application No. 17/683,322, filed on Feb. 28, 2022, now Pat. No. 11,335,731, which is a continuation-in-part of application No. 17/572,550, filed on Jan. 10, 2022, now Pat. No. 11,315,980, which is a continuation-in-part of application No. 17/542,490, filed on Dec. 5, 2021, now Pat. No. 11,257,867, which is a continuation-in-part of application No. 17/402,526, filed on Aug. 14, 2021, now Pat. No. 11,227,897, which is a continuation-in-part of application No. 17/223,822, filed on Apr. 6, 2021, now Pat. No. 11,133,351, which is a continuation-in-part of application No. 17/114,155, filed on Dec. 7, 2020, now Pat. No. 11,018,191, which is a continuation-in-part of application No. 17/013,823, filed on Sep. 7, 2020, now Pat. No. 10,896,931, which is a continuation-in-part of application No. 16/409,813, filed on May 11, 2019, now Pat. No. 10,825,864, which is a continuation-in-part of application No. 15/803,732, filed on Nov. 3, 2017, now Pat. No. 10,290,682, which is a continuation-in-part of application No. 14/555,494, filed on Nov. 26, 2014, now Pat. No. 9,818,800, which is a continuation of application No. 13/246,157, filed on Sep. 27, 2011, now Pat. No. 8,956,959, which is a continuation of application No. 13/173,999, filed on Jun. 30, 2011, now Pat. No. 8,203,148, which is a

continuation of application No. 12/901,890, filed on Oct. 11, 2010, now Pat. No. 8,026,521. The '734 Patent expires on October 11, 2030. A certified copy of the '734 Patent is attached as **Exhibit 4**. This complaint is accompanied by a certified copy of the prosecution history for the '734 Patent, three additional copies of the prosecution history, and one copy of the prosecution histories for the priority applications for the '734 Patent. *See Ex. 4; Appx. D; Appx. I.*

2. Nontechnical Description of the Patent

41. The '734 Patent relates to applications of monolithic 3D integration to at least semiconductor chips performing logic and memory functions. The '734 Patent describes, for example, a method for producing a 3D semiconductor device including: providing a first level, including a single crystal layer; forming memory control circuits in and/or on the first level which include first single crystal transistors and at least two interconnection metal layers; forming at least one second level; performing a first etch step into the second level; forming at least one third level on top of the second level; performing additional processing steps to form first memory cells within the second level and second memory cells within the third level, where each of the first memory cells include at least one second transistor including a metal gate, where each of the second memory cells include at least one third transistor; and performing bonding of the first level to the second level, where the first level includes control of power delivery to the at least one third transistor.

3. Foreign Patents, Foreign or Domestic Patent Applications (Not Already Issued As a Patent), and Foreign or Domestic Patent Applications (Denied, Abandoned, or Withdrawn) Corresponding to the Patent

42. The following pending domestic patent applications correspond to the '734 Patent: U.S. Patent Application No. 19/351,167. To the best of Complainant's knowledge, information,

and belief, there are no foreign patents issued or foreign or other domestic patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '734 Patent.

4. Licensees

43. All licensees to the '734 Patent are identified in **Confidential Exhibit 27C**. There are no other known licensees related to the '734 Patent.

E. The '006 Patent

1. Identification of the Patent and Ownership

44. The '006 Patent, titled "3D Semiconductor Device and Structure With Memory Cells and Multiple Metal Layers," issued on February 24, 2026, naming Zvi Or-Bach, Brian Cronquist, and Deepak C. Sekar as inventors. **Ex. 5** at 1. The '006 Patent is based on U.S. Patent Application No. 18/798,708, filed August 8, 2024, which is a continuation-in-part of application No. 18/389,577, filed on Nov. 14, 2023, now Pat. No. 12,100,611, which is a continuation-in-part of application No. 18/241,990, filed on Sep. 4, 2023, now Pat. No. 11,854,857, which is a continuation-in-part of application No. 18/200,387, filed on May 22, 2023, now Pat. No. 11,804,396, which is a continuation-in-part of application No. 18/106,757, filed on Feb. 7, 2023, now Pat. No. 11,862,503, which is a continuation-in-part of application No. 17/846,012, filed on Jun. 22, 2022, now Pat. No. 11,610,802, which is a continuation-in-part of application No. 17/536,097, filed on Nov. 29, 2021, now Pat. No. 11,521,888, which is a continuation-in-part of application No. 17/140,130, filed on Jan. 3, 2021, now Pat. No. 11,211,279, which is a continuation-in-part of application No. 16/537, 564, filed on Aug. 10, 2019, which is a continuation-in-part of application No. 15/460,230, filed on Mar. 16, 2017, now Pat. No. 10,497,713, which is a continuation-in-part of application No. 14/821,683, filed on Aug. 7, 2015, now Pat. No. 9,613,844, which is a continuation-in-part of application No. 13/492,395, filed on Jun. 8, 2012. now Pat. No. 9.136.153. which is a continuation of application No. 13/273,712, filed

on Oct. 14, 2011, now Pat. No. 8,273,610, which is a continuation-in-part of application No. 13/016,313, filed on Jan. 28, 2011, now Pat. No. 8,362,482, which is a continuation-in-part of application No. 12/970, 602, filed on Dec. 16, 2010, now Pat. No. 9,711,407, which is a continuation-in-part of application No. 12/949,617, filed on Nov. 18, 2010, now Pat. No. 8,754,533. The '006 Patent expires on November 18, 2030. A certified copy of the '006 Patent is attached as **Exhibit 5**. This complaint is accompanied by a certified copy of the prosecution history for the '006 Patent, three additional copies of the prosecution history, and one copy of the prosecution histories for the priority applications for the '006 Patent. *See Ex. 5; Appx. E; Appx. J.*

2. Nontechnical Description of the Patent

45. The '006 Patent relates to the general field of Integrated Circuit (IC) devices and fabrication methods, and more particularly to multilayer or Three Dimensional Integrated Circuit (3D IC) devices and fabrication methods. The '006 Patent describes, for example, a 3D semiconductor device including: a first level including a first single crystal layer and first transistors, which each include a single crystal channel; a first metal layer with an overlaying second metal layer; a second level including second transistors, overlaying the first level; a third level including third transistors, overlaying the second level; a fourth level including fourth transistors, overlaying the third level, where the second level includes first memory cells, where each of the first memory cells includes at least one of the second transistors, where the fourth level includes second memory cells, where each of the second memory cells includes at least one of the fourth transistors, where the first level includes memory control circuits, where second memory cells include at least four memory arrays, each of the four memory arrays are independently controlled, and at least one of the second transistors includes a metal gate.

3. Foreign Patents, Foreign or Domestic Patent Applications (Not Already Issued As a Patent), and Foreign or Domestic Patent Applications (Denied, Abandoned, or Withdrawn) Corresponding to the Patent

46. The following pending domestic patent applications correspond to the '006 Patent: U.S. Patent Application No. 19/457,432. To the best of Complainant's knowledge, information, and belief, there are no foreign patents issued or foreign or other domestic patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '006 Patent.

4. Licensees

47. All licensees to the '006 Patent are identified in **Confidential Exhibit 27C**. There are no other known licensees related to the '006 Patent.

V. SPECIFIC INSTANCES OF IMPORTATION AND SALE

48. On information and belief, the Proposed Respondents are importing and will continue to import, sell for importation, and/or sell within the United States after importation the Accused Products.

49. The specific instances of importation and sale of the Accused Products set forth below are illustrative and non-exhaustive examples of the Proposed Respondents' unlawful importation and sale of the Accused Products that directly and/or indirectly infringe the Asserted Patents, literally and/or under the doctrine of equivalents. These instances are exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy the Commission may order.

50. The Proposed Respondents' Accused Products are available for sale and have been purchased in the United States. *See* § V.A–B *infra*. In addition, publicly available information demonstrates that the Proposed Respondents' Accused Products are manufactured abroad and

imported, sold for importation into the United States, and/or sold within the United States after importation. *See id.*

A. KIOXIA

51. On information and belief, KIOXIA imports, sells for importation, and/or sells within the United States after importation Accused Products, including the exemplar KIOXIA BiCS8 3D TLC product, that infringe one or more claims of the Asserted Patents.

52. On information and belief, KIOXIA's Accused Products that infringe one or more claims of the Asserted Patents are manufactured abroad in Japan and incorporated as components into products that are manufactured abroad in Taiwan, including the Corsair MP700 Elite, and then imported, sold for importation, and/or sold within the United States after importation. *See ¶¶ 55-59 infra.* On information and belief, KIOXIA has reason to know that its Accused Products will be incorporated as components into products that are imported, sold for importation, and/or sold within the United States after importation, as KIOXIA specifically and knowingly sells its Accused Products to customers in the United States and/or companies that sell their products in the United States, such as Corsair Memory, Inc. *See ¶¶ 55-59 infra.* For example, according to the KIOXIA Annual Securities Report, from April 1, 2024 to March 31, 2025, KIOXIA reported total revenue of 1,706,460 in millions of Yen, of which 991,147 in millions of Yen was from sales of its "SSD & Storage" devices. **Ex. 6** at 20. Revenues from U.S. sales comprise a significant portion of KIOXIA's revenue. For example, from April 1, 2024 to March 31, 2025, KIOXIA reported "[r]evenue from external customers" in "North America and Europe" of 853,608 million Yen. *Id.* "Revenues in the United States for the year ended March 31, 2025 and 2024 are 758,666 million yen and 393,909 million yen respectively." *Id.* In addition, KIOXIA states that "much of its revenue depends on a limited number of customers and industries," including U.S. companies, and its "[r]elationships with these customers, including those who are influenced by international

circumstances such as U.S.-China trade frictions and U.S. tariff policies, may materially affect the Group's business, operating result, and financial position." *Id.* at 89. Furthermore, KIOXIA has sales offices in the United States in at least the following locations, where, on information and belief, it conducts sales activities relating to its Accused Products: San Jose, California; Irvine, California; Folsom, California; and Round Rock, Texas. *See Ex. 11* at 1.

53. According to a press release, KIOXIA's "[f]ifth-generation BiCS FLASH™ was developed jointly with technology and manufacturing partner Western Digital Corporation" and is "manufactured at Kioxia's Yokkaichi Plant and the newly built Kitakami Plant" in Japan. *Ex. 28* at 2.

54. According to the KIOXIA Annual Securities Report, "Kioxia Corporation and the Group's three manufacturing joint ventures are scheduled to receive a grant of up to approximately 92.9 billion yen from the Japanese government for the production of flash memory at the Yokkaichi Plant (approximately 6.8 billion yen has not been received as of March 31, 2025). In addition, Kioxia Corporation, Kioxia Iwate Corporation, and the Group's three manufacturing joint ventures are scheduled to receive a grant of up to 150.0 billion yen from the Japanese government for the production of flash memory at the Yokkaichi and Kitakami Plants (approximately 119.8 billion yen has not been received as of March 31, 2025)." *Ex. 6* at 84.

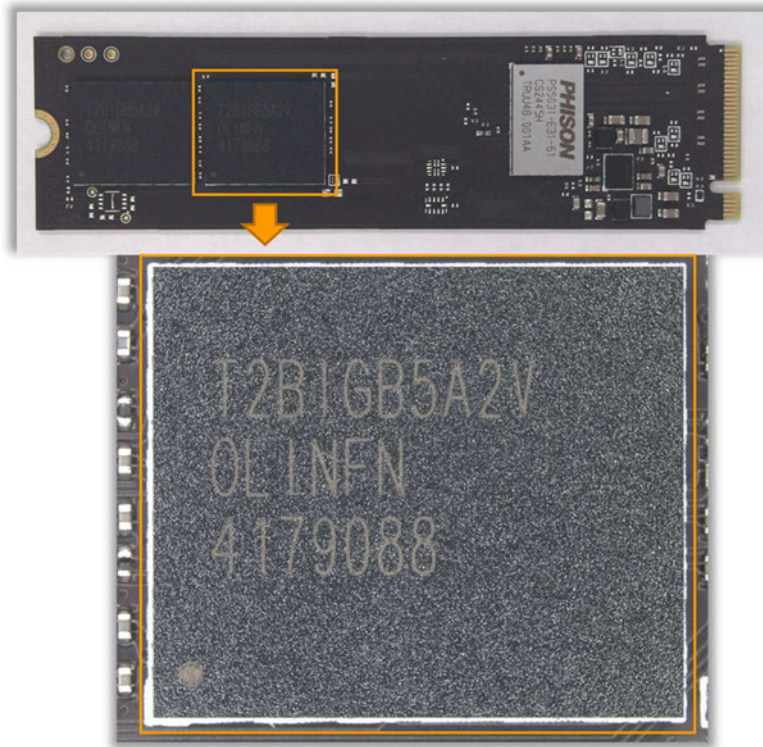
55. On information and belief, KIOXIA's Accused Products are incorporated into products that are also imported, sold for importation into the United States, and/or sold within the United States after importation, such as the Corsair MP700 Elite. For example, the Corsair MP700 Elite is sold with an exemplar KIOXIA Accused Product, the KIOXIA BiCS8 3D TLC, incorporated into it:

Specifications: Corsair MP700 Elite 2 TB SSD	
Brand:	Corsair
Model:	CSSD-F2000GBMP700EHS CSSD-F2000GBMP700ENH (w/o heatsink)
Capacity:	2000 GB (1863 GB usable) 48 GB additional overprovisioning
Controller:	Phison E31T
Flash:	Kioxia 218-Layer 3D TLC BiCS8 T2BIGB5A2V

Ex. 29 at 2.

56. Photographs of the KIOXIA BiCS8 3D TLC that are incorporated into the Corsair MP700 Elite are shown below:

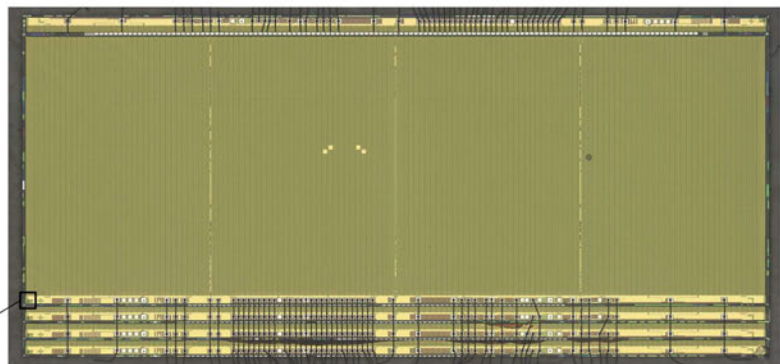




Eight Stacked Dies Cross-sectioned
(Optical Image)



3D NAND Die Marking Photograph



3D NAND Die Photograph
(eight stacked dies – five visible – after removal from chip encapsulation)

57. KIOXIA's Accused Products are manufactured abroad and available for sale in the United States. On September 20, 2025, the Corsair MP700 Elite product, which incorporates the representative KIOXIA BiCS8 3D TLC product, was purchased in the United States on www.amazon.com for \$202.58. See **Ex. 30** at 1. The Corsair MP700 Elite product was delivered

in the United States and received at an address in Summit, New Jersey on September 21, 2025.
See id.; *see* **Ex. 31**.

58. Photos of the product packaging for the Corsair MP700 Elite that was purchased are shown below:



59. The product packaging for the Corsair MP700 Elite product, which incorporates the representative KIOXIA BiCS8 3D TLC product, identifies “Corsair Memory, Inc.” (*see* ¶ 52 *supra*) and states the product was “Made in Taiwan,” demonstrating that KIOXIA’s Accused Products are imported:



B. SK hynix

60. On information and belief, SK hynix imports, sells for importation, and/or sells within the United States after importation Accused Products, including the exemplar SK hynix Platinum P51 SSD (3D NAND) and H5UG7HMD83X020R HBM3 (HBM) products, that infringe one or more claims of the Asserted Patents.

61. On information and belief, SK hynix's Accused Products that infringe one or more claims of the Asserted Patents are manufactured abroad in South Korea and incorporated as components into products that are manufactured abroad in South Korea and Taiwan, including the SK hynix Platinum P51 SSD product and the Nvidia GH200 Grace Hopper Superchip, and then imported, sold for importation, and/or sold within the United States after importation.

62. In a press release available on its website, SK hynix states that, "[b]oasting leading semiconductor memory companies including SK hynix, South Korea heads the memory field in terms of production capacity. The nation commands a majority share of DRAM fabrication

capacity, well ahead of its nearest rivals. South Korea is also the joint leading producer of NAND flash, alongside Japan, where companies like Kioxia play a major role.” **Ex. 32** at 3.

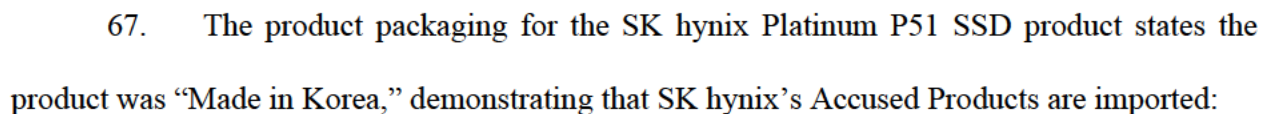
63. In another press release dated October 27, 2025, “SK hynix is said to have brought in the first equipment to the Cheongju M15X fab (factory), which it is building as a DRAM production base including High Bandwidth Memory (HBM).” **Ex. 33** at 1.

64. SK hynix’s Accused Products are manufactured abroad in South Korea and available for sale in the United States.

1. SK hynix 3D NAND Product

65. On September 19, 2025, the SK hynix Platinum P51 SSD product was purchased in the United States on www.newegg.com for \$186.56. *See Ex. 34* at 1. The product was delivered in the United States and received at an address in Short Hills, New Jersey on September 22, 2025. *See id.*; *see Ex. 35*.

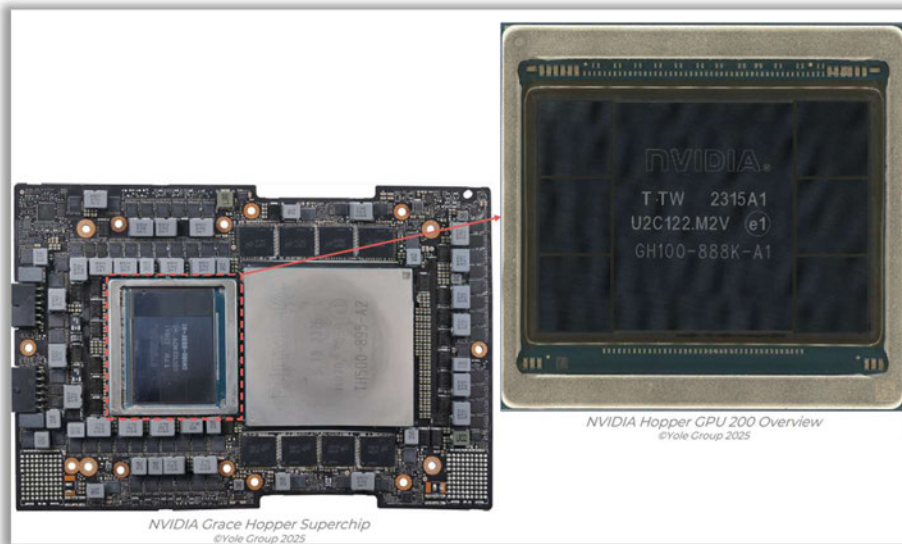
66. Photos of the product packaging for the SK hynix Platinum P51 SSD product that was purchased are shown below:



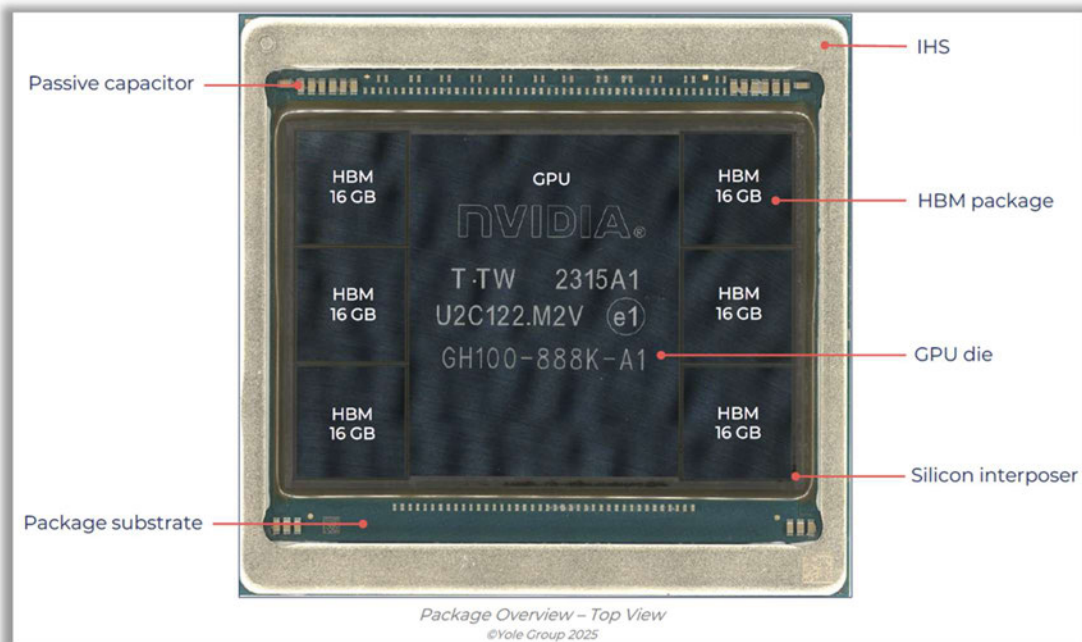
2. SK hynix HBM Product

68. On information and belief, the Nvidia GH200 Grace Hopper Superchip comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R) and is manufactured abroad and imported into the United States. On information and belief, SK hynix has reason to know that its HBM products will be incorporated as components into products that are imported, sold for importation, and/or sold within the United States after importation, as SK hynix specifically and knowingly sells its Accused Products to customers in the United States and/or companies that sell their products in the United States, such as Nvidia. SK hynix has sales offices in the United States in at least the following locations, where, on information and belief, it conducts sales activities relating to its HBM products: San Jose, California; Seattle, Washington; Austin, Texas; Houston, Texas; and Raleigh, North Carolina. *See Ex. 19* at 1–2; *see also id.* at 1 (“We are securing our place as the leader of the global IT ecosystem of the world”). “SK hynix has already ‘sold out’ this year’s HBM volumes and is said to be the first among the three memory companies to finish preparations for mass production of HBM4 (6th generation) and is negotiating volumes with Nvidia.” **Ex. 33** at 2.

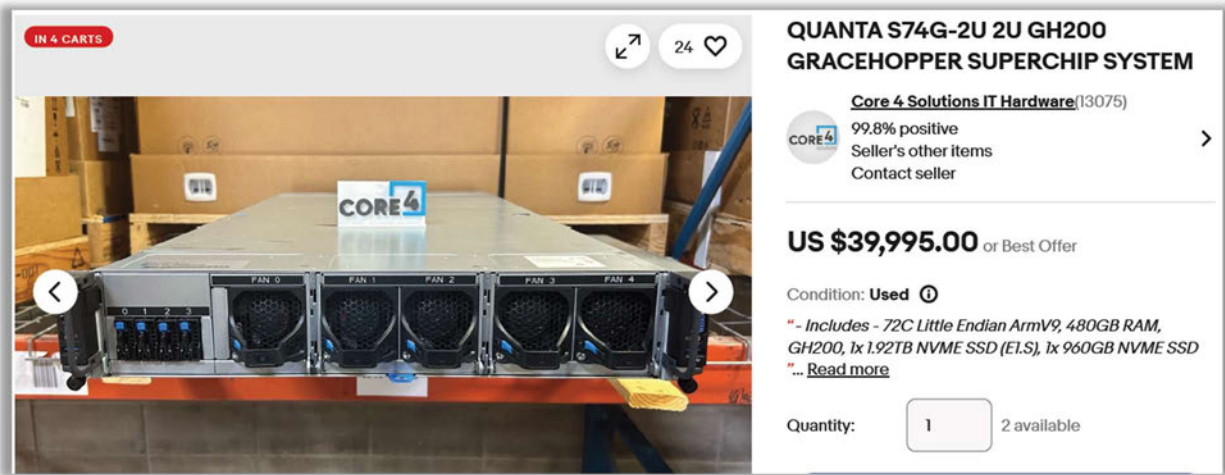
69. For example, “[a]ccording to Nvidia, the new edition of the GH200 is the world’s first processor to include HBM3e memory. . . . HBM3e is manufactured by SK hynix Inc. using a 10-nanometer process.” **Ex. 36** at 2. As shown in the image below, the NVIDIA GH200 (chip on the left) comprises the NVIDIA GH100 chip (chip on the right), which is the GPU component of the NVIDIA GH 200:



The NVIDIA GH100 chip (part no. GH100-888K-A1), in turn, comprises six representative SK hynix HBM products identified as “HBM 16GB” in the image below, one of which is charted for infringement (H5UG7HMD83X020R):

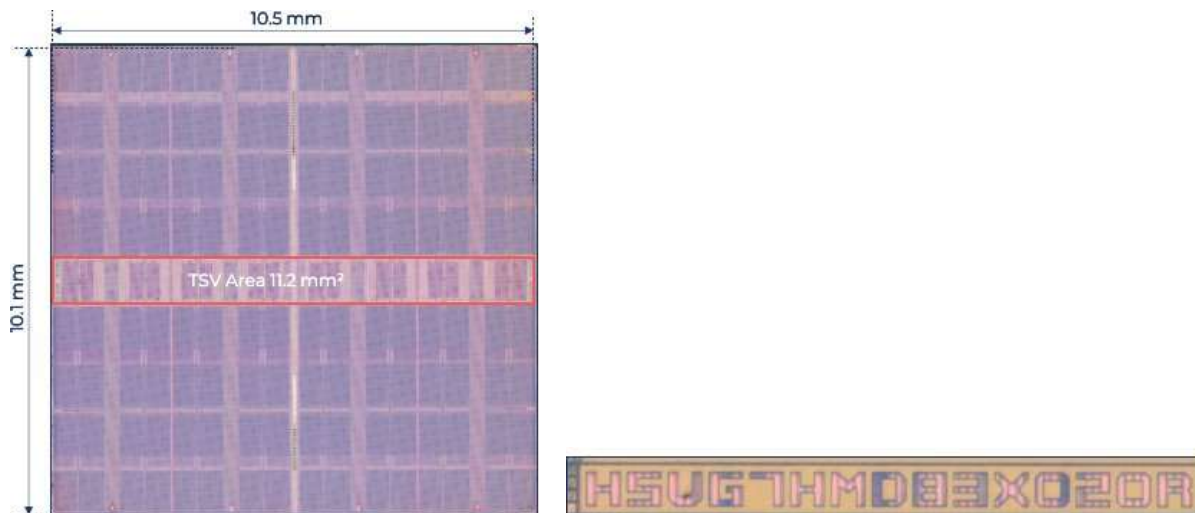


The NVIDIA GH200 chip is used in products such as Quanta Computer Inc.'s QuantaGrid S74G-2U server, which is also known as the Quanta S74G-2U Grace Hopper Superchip System²:



Ex. 41 at 1. For example, “[t]he [charted] SK hynix H5VG7HMD83X020R [*sic*] was found inside NVIDIA’s [GH 200] Grace Hopper Superchip used in the use in Quanta Computer Inc’s S74G-2U QuantaGrid server for artificial intelligence (AI) and high-performance computing (HPC) applications. The NVIDIA GH100-888K-A1 Hopper GPU . . . contain[s] six SK hynix 16 GB 4th generation HBM3 DRAM sub-packages from which the SK hynix H5VG7HMD83X020R [*sic*] die, manufactured using the SH hynix’s D1z process, was extracted for analysis. . . .” **Ex. 37** at 1. The die marking on the Nvidia GH100-888K-A1 Hopper GPU shows that it contains the SK hynix H5UG7HMD83X020R:

² See <https://go.qct.io/global-campaign/qct-cutting-edge-infrastructure-and-solution-powered-by-nvidia-en/> (“QuantaGrid S74G-2U is the NVIDIA Grace-Hopper Superchip server”).

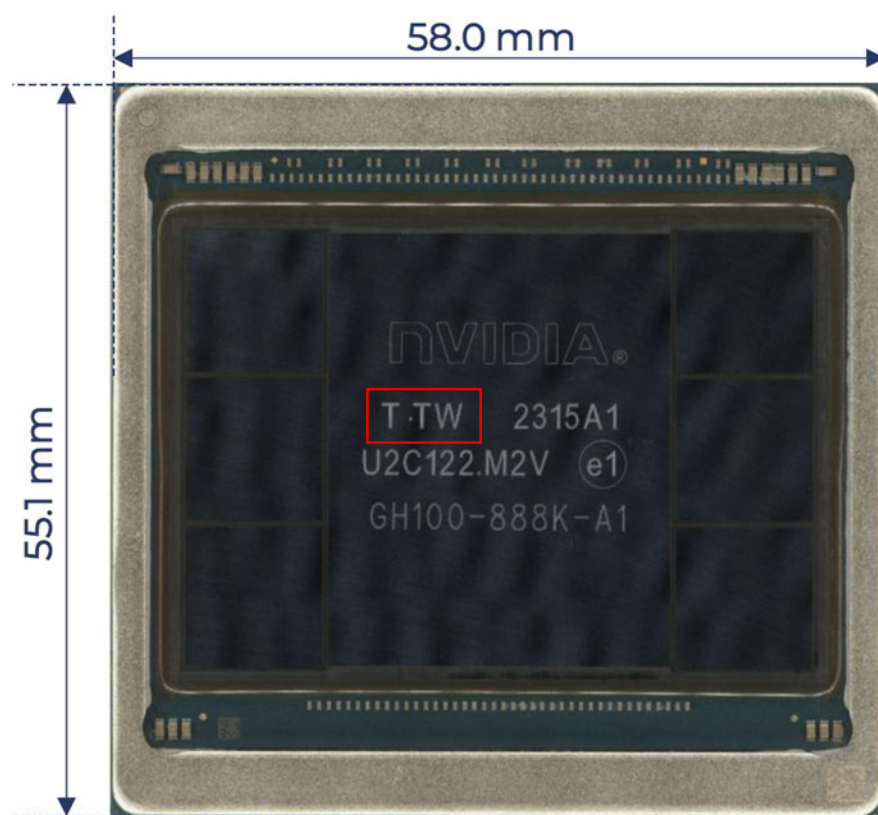


70. On information and belief, the SK hynix HBM products are manufactured abroad in South Korea at SK hynix’s facilities in Icheon and/or Cheongju and shipped to Taiwan for assembly in Nvidia GH200 superchips before being imported into the United States. For example, according to a SK hynix press release, SK hynix “plans to focus on the mass production of next-generation DRAM, including HBM,” at its “M15X fab in Cheongju,” which “reflects the company’s strategic intent to significantly expand its DRAM production capacity beyond Icheon and into Cheongju.” **Ex. 38** at 5.

71. Furthermore, on information and belief, the Nvidia GH200 Grace Hopper Superchip comprising the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R), is manufactured abroad in Taiwan. For example, based on Nvidia’s press releases, the GH200 is manufactured and assembled in Taiwan: “Taiwan manufacturers are among the many system manufacturers worldwide bringing to market a wide variety of systems powered by different combinations of NVIDIA accelerators and processors. These include AAEON, Advantech, Aetina, ASRock Rack, ASUS, GIGABYTE, Ingrasys, Inventec, Pegatron, QCT, Tyan, Wistron and Wiwynn — all featured in Huang’s COMPUTEX keynote address today as key partners.” **Ex. 39** at 1. For example, Nvidia further identifies TSMC’s

4N manufacturing process as responsible for fabricating the Grace Hopper GPUs: “Built with over 80 billion transistors using a cutting edge TSMC 4N process, Hopper features five groundbreaking innovations that fuel the NVIDIA H200 and H100 Tensor Core GPUs and combine to deliver incredible speedups over the prior generation on generative AI training and inference.” **Ex. 40** at 1.

72. Chip markings on the NVIDIA GH200 chip, which comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R), further indicate Taiwan as the country of origin based on the “TW” identifier, excerpted below. On information and belief, all GH200 chips are thereafter imported from Taiwan.



Nvidia GH200 Package Front View
©Yole Group 2025

73. On information and belief, Nvidia GH200 chips comprising the NVIDIA GH100 chip, which in turn comprise the representative SK hynix HBM product (H5UG7HMD83X020R), are imported, sold for importation into the United States, and/or sold within the United States after importation. For example, the Quanta S74G-2U Grace Hopper Superchip System, which comprises the Nvidia GH200 chip that comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R), is available for sale online by Core 4 Solutions for \$39,995.00. *See Ex. 41* at 1. According to Core 4 Solutions' website, two Quanta S74G-2U Grace Hopper Superchip Systems are currently in stock in the United States as of January 28, 2026. *See id.* On information and belief, the Quanta S74G-2U Grace Hopper Superchip System is available for purchase in the United States as of January 28, 2026. *See Ex. 42.*

74. On information and belief, Core 4 Solutions also sells products on www.ebay.com, including the Quanta S74G-2U Grace Hopper Superchip System, which comprises the Nvidia GH200 chip that comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R). *See Ex. 43.* On information and belief, the same two Quanta S74G-2U Grace Hopper Superchip Systems that are available for sale on Core 4 Solutions' website are also advertised for sale by Core 4 Solutions on its eBay business page as of January 28, 2026. *Compare Exs. 41-42* with *Exs. 43-44.* According to Core 4 Solutions' eBay business page, two Quanta S74G-2U Grace Hopper Superchip Systems are currently in stock in the United States as of January 28, 2026. *See id.* The two Quanta S74G-2U Grace Hopper Superchip Systems are located in "Eden Prairie, Minnesota, United States" and can be delivered to locations within the United States with "[f]ree 2-4 day delivery." *See Ex. 44* at 1.

75. On information and belief, Nvidia sells the Nvidia GH200 chip that comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product (H5UG7HMD83X020R), to customers in the United States. For example, Nvidia's sales partners include at least AMAX³ (an affiliate of Hon Hai, headquartered in Fremont, California), Cambridge Computer⁴ (based in Waltham, Massachusetts), Exxact Corp.⁵ (based in Fremont, California), and Supermicro⁶ (based in San Jose, California), all of which sell the Nvidia GH200 chip in the United States. *See Ex. 45; Ex. 46; Ex. 47; Ex. 48; Ex. 49.*

76. As a further example, Exxact Corp. has provided a quote for the sale of a Grace Hopper System that contains the Nvidia GH200 Grace Hopper chip, which, on information and belief, comprises the NVIDIA GH100 chip, which in turn comprises the representative SK hynix HBM product. *See Ex. 50.* The Grace Hopper System is offered for sale for \$40,536.99 and ships from Exxact Corp.'s U.S. facility, located at 46221 Landing Parkway, Fremont, California 94538. *See id.*

77. On information and belief, Nvidia further sells GH200 chips directly to U.S. customers through enterprise sales representatives. *See Ex. 51.*

³ *See* https://www.amax.com/product/acelemax-axg-ar222/?utm_source=nvidia (showing AMAX sells Nvidia GH200 chips and servers comprising Nvidia GH200 chips to U.S. customers); *see also* <https://marketplace.nvidia.com/en-us/enterprise/search/?search=Gh200&page=1&locale=en-us&limit=15>.

⁴ *See* <https://www.cambridgecomputer.com/gracehopper/> (stating Cambridge Computer provides a "GH200 Grace Hopper Superchip Early Adopter Program," selling GH200 chips with a list price of \$52,000 and a 40% discount on "seed units" to U.S. customers).

⁵ *See* <https://www.exxactcorp.com/category/NVIDIA-Grace?page=1> (showing Exact Corp. sells Nvidia GH200 chips to U.S. customers through its website).

⁶ *See* https://www.supermicro.com/zh_tw/pressreleases/supermicro-starts-shipments-nvidia-gh200-grace-hopper-superchip-based-servers (announcing that Supermicro "starts shipments of Nvidia GH200 Grace Hopper Superchip-Based servers" on October 18, 2023).

VI. UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS

78. On information and belief, the Proposed Respondents import into the United States, sell for importation into the United States, and/or sell within the United States after importation Accused Products in violation of Section 337 by infringement of one or more claims of the Asserted Patents, either literally or under the doctrine of equivalents. The following table summarizes the Asserted Patent claims infringed by each individual Proposed Respondent:

Patent⁷	Claims Asserted Against KIOXIA Accused Products	Claims Asserted Against SK hynix 3D NAND Products	Claims Asserted Against SK hynix HBM Products
'830 Patent	1, 2, 13, 14	-	4
'330 Patent	1, 2, 4-7, 8, 9, 11, 13, 14	1, 2, 5-7, 8, 9, 12-14	1, 2, 5-7, 8, 9, 12-14
'961 Patent	1, 2, 4-6, 8, 11-13	1, 2, 4-6, 8, 11-13	1, 2-7, 8, 9-14, 15, 16-20
'734 Patent	1, 2, 3, 6, 7, 15, 16-20	15, 16-19	-
'006 Patent	1, 2, 7	1, 7	1, 2, 4, 5, 7

A. KIOXIA

79. On information and belief, KIOXIA imports, sells for importation, and/or sells within the United States after importation Accused Products, such as the KIOXIA BiCS8 3D TLC product, that directly and indirectly infringe via inducement by others such as KIOXIA's customers and end-users in the United States, literally and/or under the doctrine of equivalents, at least the claims of the Asserted Patents identified in the chart in paragraph 89, in violation of 35 U.S.C. § 271(a)–(c) and (g) and Section 337(a)(1)(B)(i)–(ii). For example, on information and belief, KIOXIA's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the asserted claims of the Asserted Patents. KIOXIA induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing

⁷ Independent claims in bold.

instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, as it is designed to be used, including technical support, marketing, product manuals, advertisements, and online documentation. Because of KIOXIA's inducement, KIOXIA's customers and end-users use the Accused Products in a way KIOXIA intends, and directly infringe the Asserted Claims of the Asserted Patents. KIOXIA performs these affirmative acts with knowledge of the Asserted Patents and with the intent, or willful blindness, that the induced acts directly infringe the Asserted Patents.

80. KIOXIA is not licensed to any of the Asserted Patents.

81. Claim charts comparing the asserted claims of the Asserted Patents to a representative KIOXIA Accused Product, the KIOXIA BiCS8 3D TLC product, on an exemplary basis, and including photographs and drawings where applicable, are attached as **Exhibits 52** through **56**. KIOXIA has been on notice of its infringement of the Asserted Patents since at least May 11, 2026. *See* § VIII, ¶ 86 *infra*.

B. SK hynix

82. On information and belief, SK hynix imports, sells for importation, and/or sells within the United States after importation Accused Products, such as the SK hynix Platinum P51 SSD (3D NAND) and H5UG7HMD83X020R HBM3 (HBM) products, that directly and indirectly infringe via inducement by others such as SK hynix's customers and end-users in the United States, literally and/or under the doctrine of equivalents, the claims of the Asserted Patents identified in the chart in paragraph 89, in violation of 35 U.S.C. § 271(a)–(c) and (g) and Section 337(a)(1)(B)(i)–(ii). For example, on information and belief, SK hynix's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the asserted claims of the Asserted Patents. SK hynix induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise

making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, as it is designed to be used, including technical support, marketing, product manuals, advertisements, and online documentation. Because of SK hynix's inducement, SK hynix's customers and end-users use the Accused Products in a way SK hynix intends, and directly infringe the Asserted Claims of the Asserted Patents. SK hynix performs these affirmative acts with knowledge of the Asserted Patents and with the intent, or willful blindness, that the induced acts directly infringe the Asserted Patents.

83. SK hynix is not licensed to any of the Asserted Patents.

84. Claim charts comparing the asserted claims of the '330 Patent, '961 Patent, '734, and '006 Patent to a representative SK hynix Accused Product, the SK hynix Platinum P51 SSD (3D NAND) product, and including photographs and drawings where applicable, are attached as **Exhibits 57** through **60**. Claim charts comparing the asserted claims of the '830 Patent, '330 Patent, '961 Patent, and '006 Patent to a representative SK hynix Accused Product, the H5UG7HMD83X020R HBM3 (HBM) product, and including photographs and drawings where applicable, are attached as **Exhibits 61** through **64**. SK hynix has been on notice of its infringement of the Asserted Patents since at least May 11, 2026. *See* § VIII, ¶ 86 *infra*.

VII. CLASSIFICATION OF THE ACCUSED PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

85. On information and belief, the Proposed Respondents' infringing Accused Products are imported into the United States under at least the following headings and subheadings of the Harmonized Tariff Schedule of the United States ("HTSUS"): 8542.32.0036 and 8542.32.0051. These HTSUS classifications are intended for illustration only and are not intended to restrict the scope of this Investigation or any exclusion order or other remedy ordered by the Commission.

VIII. RELATED LITIGATION

86. The Asserted Patents are currently the subject of the following litigations, which are being filed contemporaneously with this Complaint:

- *MonolithIC 3D™ Inc. v. KIOXIA Corporation* (E.D. Tex.), filed on May 11, 2026;
- *MonolithIC 3D™ Inc. v. SK hynix Inc.* (E.D. Tex.), filed on May 11, 2026; and
- *MonolithIC 3D™ Inc. v. Western Digital Corp., et al.* (D. Del.), filed on May 11, 2026;
- *MonolithIC 3D™ Inc. v. Corsair Gaming, Inc., et al.* (D. Del.), filed on May 11, 2026; and
- *MonolithIC 3D™ Inc. v. NVIDIA Corporation* (W.D. Tex.), filed on May 11, 2026.

In addition, Complainant has brought the following litigations against the Proposed Respondents, which involve patents other than the Asserted Patents but relate to the Accused Products in this Investigation:

- *Certain NAND and DRAM Memory Chips*, Inv. No. 337-TA-1492 (active);
- *MonolithIC 3D™ Inc. v. KIOXIA Corporation*, Case No. 2:25-cv-001160-JRG (W.D. Tex.) (stayed under 28 U.S.C. § 1659);
- *MonolithIC 3D™ Inc. v. SK hynix, Inc.*, Case No. 2:25-cv-01167-JRG (E.D. Tex.) (stayed under 28 U.S.C. § 1659);
- *MonolithIC 3D™ Inc. v. SK hynix, Inc.*, Case No. 2:25-cv-01176-JRG (E.D. Tex.) (stayed under 28 U.S.C. § 1659); and
- *MonolithIC 3D™ Inc. v. SK hynix, Inc.*, Case No. 2:26-cv-00145 (E.D. Tex.) (stayed under 28 U.S.C. § 1659).

Complaint also has brought the following litigations against the following entities which involve patents other than the Asserted Patents but relate to the Accused Products in this Investigation:

- *MonolithIC 3D™ Inc. v. Corsair Gaming, Inc., et al.*, Case No. 1:26-cv-00367-MN (D. Del.) (active); and
- *MonolithIC 3D™ Inc. v. NVIDIA Corporation*, Case No. 7:26-cv-00115-DC (W.D. Tex.) (active).

87. To Complainant's knowledge, the alleged unfair methods of competition and unfair acts, or the subject matter thereof, are not and have not been the subject of any other court or agency litigation.

IX. THE DOMESTIC INDUSTRY

88. In accordance with Sections 337(a)(2) and (a)(3), a domestic industry exists and/or is in the process of being established in the United States in connection with each of the Asserted Patents comprising quantitatively and qualitatively investments in the United States in (A) plant and equipment related to products that practice the Asserted Patents, (B) employment of labor and capital related to products that practice the Asserted Patents, and (C) substantial investments in engineering and research and development of the Asserted Patents and products that practice the Asserted Patents.

89. MonolithIC 3D relies upon its licensee, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] to satisfy the domestic industry requirement. In particular, a domestic industry exists and/or is in the process of being established as a result of [REDACTED] significant investment in plant and equipment, significant employment of labor and capital, and substantial investments in engineering and research and development with respect to its at least [REDACTED] which are represented by the representative [REDACTED] and the representative [REDACTED] and include at least [REDACTED]

[REDACTED] (“Domestic Industry Products”) that practice and are protected by the Asserted Patents. 19 U.S.C. § 1337(a)(3)(A)–(C). On [REDACTED] MonolithIC 3D and [REDACTED] Pursuant to Commission Rule 210.12(a)(9)(iv), MonolithIC 3D has attached as **Confidential Exhibit 65C** a copy of the patent license agreement. *See also Ex. 75C*. By virtue of a license granted by MonolithIC 3D, [REDACTED] is fully licensed to practice the Asserted Patents. A domestic industry exists under Section 337(a)(2) and 337(a)(3) at least based on [REDACTED] significant and substantial investments since [REDACTED]

A. Technical Prong

90. [REDACTED] makes significant and substantial investments in plant and equipment, labor and capital, and engineering and research and development with respect the Domestic Industry Products, which practice at least the following claims of the Asserted Patents:

Asserted Patents	Exemplary Practiced Claims (3D NAND Products)⁸	Exemplary Practiced Claims (HBM Products)
'830 Patent	-	4
'330 Patent	1, 2, 5-7, 8, 9, 12-14	1, 2, 5-7, 8, 9, 12-14
'961 Patent	1, 2, 4-6, 8, 11-13	1, 2-7, 8, 9-14, 15, 16-20
'734 Patent	15, 16-19	-
'006 Patent	1, 7	1, 2, 4, 5, 7

91. Claim charts demonstrating how the exemplary Domestic Industry Products practice these claims of the Asserted Patents are attached as **Confidential Exhibits 66C through 73C**.

⁸ Independent claims in bold.

B. Economic Prong

92. A domestic industry as defined by 19 U.S.C. § 1337(a)(3)(A)–(C) exists in the United States with respect to the Domestic Industry Products that practice the Asserted Patents. [REDACTED] has made significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in exploitation of the Asserted Patents in the United States with respect to the Domestic Industry Products.

93. [REDACTED] is fully licensed to practice each of the Asserted Patents. *See Confidential Ex. 65C.*

94. [REDACTED] has invested—and continues to invest—millions of dollars in the United States in labor and capital, plant and equipment, and research and development relating to the Domestic Industry Products. Details relating to [REDACTED] domestic expenditures on plant and equipment, labor and capital, and research and development are set forth in **Confidential Exhibit 74C.**

95. [REDACTED] domestic investments and activities are significant and substantial both in absolute terms and relative to [REDACTED] overall operations. [REDACTED] investments and activities are attributable to the Domestic Industry Products and represent significant domestic added value, particularly where the protected articles are designed, developed, engineered, and tested in the United States.

96. Alternatively, a domestic industry as defined by 19 U.S.C. § 1337(a)(2) is “in the process of being established” with respect to the Domestic Industry Products that practice the Asserted Patents. [REDACTED] domestic investments and activities demonstrate it is taking the necessary steps to establish a domestic industry in the United States and that there is a significant likelihood that the domestic industry requirement will be satisfied in the future. *See Confidential Exhibit 74C.*

X. RELIEF REQUESTED

97. The Proposed Respondents have infringed and will continue to infringe the Asserted Patents as specified in Sections V and VI above unless the Commission prohibits the importation into the United States, the sale for importation, and the sale within the United States after importation of the Accused Products.

98. Accordingly, Complainant respectfully requests that the United States International Trade Commission:

- (a) institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the Proposed Respondents' violations of Section 337 arising from the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain NAND and DRAM memory chips and products containing the same;
- (b) schedule and conduct a hearing, pursuant to 19 U.S.C. § 1337(c), for purposes of receiving evidence and hearing argument concerning whether the Proposed Respondents have violated Section 337 and, following the hearing, find that the Proposed Respondents have violated Section 337;
- (c) issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), excluding from entry into the United States certain NAND and DRAM memory chips and products containing the same by the Proposed Respondents or any of their affiliate companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns that infringe, literally and/or under the doctrine of equivalents, one or more claims of the Asserted Patents,

including, without limitation, the Accused Products identified in this Complaint and the exhibits hereto;

- (d) issue permanent orders, pursuant to 19 U.S.C. § 1337(f), directing the Proposed Respondents and any of their principals, stockholders, officers, directors, employees, agents, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns to cease and desist from importing, selling, offering for sale, marketing, advertising, demonstrating, packaging, warehousing inventory for distribution, distributing, licensing, transfer, soliciting of any sale, or using in the United States certain NAND and DRAM memory chips and products containing the same that infringe, literally and/or under the doctrine of equivalents, one or more claims of the Asserted Patents, including, without limitation, the Accused Products identified in this Complaint and the exhibits hereto;
- (e) impose a bond, pursuant to 19 U.S.C. § 1337(j), on the Proposed Respondents' importation of NAND and DRAM memory chips and products containing the same that infringe any claim of the Asserted Patents sufficient to protect Complainant from further injury during the 60-day Presidential review period; and
- (f) grant all such other and further relief as is appropriate under the law, based upon the facts complained of herein and as determined by the Investigation.

Dated: May 11, 2026

Respectfully submitted,

/s/ Evan H. Langdon

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