



News Release

FOR IMMEDIATE RELEASE

Elpida Memory Lodges Patent Infringement Complaint Against Nanya Technology with U.S. International Trade Commission and Files Lawsuit in Taiwan

Tokyo, Japan, November 16, 2011 – Elpida Memory Inc. (“Elpida”, Tokyo: 6665 JP), a Japanese chip manufacturer, and the world’s third largest dynamic random access memory or DRAM (*1) maker, today announced two filings of a complaint in two countries against Nanya Technology Corporation for patent infringements.

The first is the filing of a complaint on November 15 in the U.S. International Trade Commission (ITC *2) against Taiwanese memory chip maker Nanya Technology Corporation (“Nanya”, Tao Yuan, Taiwan: 2408 TT) and its U.S. subsidiary Nanya Technology Corporation, USA (“Nanya USA”). The ITC complaint cites claims of infringement in which Nanya DRAM products are accused of infringing seven of Elpida’s U.S. DRAM patents. Elpida is asking the ITC to issue an injunction to stop Nanya’s infringing products from being imported into the U.S. market.

The second is the filing of a complaint on November 16, in Taiwan’s Intellectual Property Court (*3) against Nanya. The Taiwanese complaint asserts that certain Nanya DRAM products manufactured and sold by Nanya, and modular memory chip products containing Nanya DRAMs (*4), infringe four of Elpida’s Taiwanese DRAM product patents (*5). Elpida has asked the Taiwanese court to order a halt to the manufacture and sales of products mentioned in the complaint filed in Taiwan.

Elpida already filed a lawsuit on September 6, 2011 against Nanya in the U.S. District Court for the Northern District of California claiming infringement of four DRAM patents owned by Elpida.

Elpida succeeded its parent companies’, Hitachi and NEC’s large investments as well as vigorous research and development by the engineers, and has continued both efforts up until now. Those have resulted in Elpida’s substantial portfolio of patents. Elpida believes that basic fair market practices require that third parties should contribute by payment of fair value for use of Elpida’s patents. Elpida believes it is fully justified to seek the relief it deserves, including large compensation as appropriate, as a result of Nanya’s use of Elpida patents without a license.

Elpida also believes, from the perspective of justice, the market players who are free-riding other market player’s efforts and assets should stop such an unauthorized use of the patent portfolio. This will help to enforce the justice of a fair and competitive market conditions.

According to Seiji Nakashima, Vice President of Intellectual Property Group of Elpida, “Since the filing of the lawsuit in the California court, Elpida sought to engage Nanya and conduct reasonable discussions for the fair payment for Nanya’s unauthorized use of Elpida’s patents. After these efforts failed, however, Elpida concluded that Nanya has no intention to fairly compensate Elpida for the use of Elpida’s patents. As a result, Elpida decided to take additional necessary actions.”

Takao Adachi, Director of Elpida said, “Elpida is always try to legitimately enforce our rights as well as contributing social justices at the same time. We are always open to have business discussions to achieve our attempt, but if our attempt is unreasonably barred, we are always ready to seek judicial relief in order to protect our intellectual property rights and try to keep justice.”

- *1. DRAM is the abbreviation for Dynamic Random Access Memory. DRAM is a type of semiconductor memory that both reads and writes information data needed by an electronic device. The data is stored for only brief moments. When device power is turned off the temporarily stored data is lost.
- *2. <http://www.usitc.gov/>
- *3. <http://ipc.judicial.gov.tw/en/>
- *4. The DDR3 SDRAM chips with the Die Revision of B, C and D under the brand name Elixir and the modules that contain such chips, which respectively infringe the Taiwan patents, Elpida filed a patent infringement litigation to Taiwan Intellectual Property Court today. Elpida found that Nanya publicly sold the above chips and modules which were marked as manufacture in Taiwan, confirmed infringement by professional verification, and thus filed a complaint to request cease and desist infringement to Taiwan Intellectual Property Court.
- *5. No. I 324386: Semiconductor device and method for manufacturing the same
No. 165468: Semiconductor integrated circuit device and process for manufacturing the same
No. 169733: Semiconductor device and method for manufacturing the same
No. I 298540: Semiconductor device and method for manufacturing the same

About Elpida Memory, Inc.

Elpida Memory, Inc. (Tokyo: 6665) is a leading manufacturer of Dynamic Random Access Memory (DRAM) integrated circuits. The company’s design, manufacturing and sales operations are backed by world class technological expertise. Its 300mm manufacturing facilities, consisting of its Hiroshima Plant and a Taiwan-based joint venture, Rexchip Electronics, utilize the most advanced manufacturing technologies available. Elpida’s portfolio features such characteristics as high-density, high-speed, low power and small packaging profiles. The company provides DRAM solutions across a wide range of applications, including high-end servers, mobile phones and digital consumer electronics. More information can be found at <http://www.elpida.com>.

Information in this news release is current as of the timing of the release, but may be revised later without notice.

Press Contact:

Mikako Nakajima

Elpida Memory, Inc. (Tokyo, Japan)

Tel: +81-3-3281-1500

E-mail: press@elpida.com