

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RADIAN MEMORY SYSTEMS LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Civil Action No.: 2:24-cv-1073

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION

Upon considering the arguments presented by counsel for both parties as well as the declarations submitted, the Court hereby **ORDERS** that a preliminary injunction is awarded against the Defendants to restrain them, their subsidiaries, officers, agents, servants, employees, and attorneys from making, using, offering to sell, or selling, within the United States or importing into the United States solid-state drives (“SSDs”) containing the features claimed in U.S. Patent No. 11,544,183 (“the ’183 Patent”) and U.S. Patent No. 11,347,656 (“the ’656 Patent”) without the consent of the Plaintiff.

Defendants are specifically **ENJOINED** as follows:

Within two months, Defendants are **ORDERED** to stop making, using, selling, offering to sell, and importing SSDs with ZNS¹ capabilities and functionalities in

¹ As used herein, “ZNS” refers to commands, responses, capabilities, or functionalities described in the NVMe Zoned Namespaces Command Set Specification and any related NVMe commands, responses, capabilities, or functionalities from other NVMe specifications when used with ZNS commands, responses capabilities, or functionalities.

the United States, and for any yet-to-be-sold or in-production SSDs, Defendants are further **ORDERED** to modify their firmware to remove ZNS capabilities and functionalities, to make the drives unable to accept or respond to ZNS commands, and to make the drives otherwise unable to provide any ZNS-based information; thereafter

- (a) without leave of Court, Defendants are permitted to make, sell, offer to sell, and import into the United States the modified in-production SSDs without ZNS capabilities or functionalities (described above);
- (b) without leave of Court, Defendants are permitted to make, sell, offer to sell, and import into the United States SSDs without ZNS-substitute capabilities and functionalities;
- (c) if Defendants desire to make, use, sell, offer to sell, and import into the United States SSDs with ZNS-substitute capabilities and functionalities, and if Defendants believe that these SSDs ZNS-substitute capabilities and functionalities avoid infringement of the claims of Plaintiff's patents, the Defendants are first required to: (i) notify Plaintiff of their desire to do so in writing; (ii) produce the source code build for the new version of their SSD software-defined flash firmware to Plaintiff's counsel and experts under the provisions of the Protective Order that protect the confidentiality of source code from public disclosure; (iii) produce supplemental responses to Plaintiff's written discovery requests to explain the basis of Defendants' belief of noninfringement; (iv) provide additional discovery that is reasonably related to infringement; (v) allow Plaintiff sufficient time, but in no event less than 30

days, to evaluate the discovery and information received; and then (vi) meet and confer with Plaintiff's counsel for parties to try to reach agreement on whether the new SSD firmware infringes; thereafter

- i. if the Defendants have complied with the requirements in ¶(c) and the parties agree that the new version of Defendants' SSD firmware does not cause the SSDs to infringe, Defendants may file an unopposed motion seeking leave from this injunction to make, use, sell, offer to sell, and import the SSDs with the new firmware in the United States;
- ii. if the Defendants have complied with the requirements of ¶(c) and the parties disagree about whether the new version of Defendants' SSD firmware would cause the SSDs to infringe, Defendants can file a motion with the Court seeking leave from this injunction to make, use, sell, offer to sell, and import the SSDs with the new firmware in the United States, which the Court will either grant or deny after considering both parties' submissions and after conducting any necessary further proceedings;
- iii. if the Defendants have complied with the requirements ¶(c) and the parties agree that the new version of Defendants' SSD firmware would cause the SSDs to infringe, Defendants are **ENJOINED** from making, using, selling, offering to sell, and importing the SSDs with the new firmware in the United States.

Defendants shall be released from this injunction upon expiration of the '183 Patent and the '656 Patent; otherwise, this injunction shall remain in force until further Order of the Court.