

**Robert A. Shlachter**, OSB No. 911718

Email: rshlachter@stollberne.com

**Timothy S. DeJong**, OSB No. 940662

Email: tdejong@stollberne.com

**Jacob S. Gill**, OSB No. 033238

Email: jgill@stollberne.com

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

209 S.W. Oak Street, Suite 500

Portland, Oregon 97204

Telephone: (503) 227-1600

Facsimile: (503) 227-6840

**Attorneys for Plaintiff**

[Additional counsel appear on signature page]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

SEMCON TECH, LLC

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil Action No. 3:13-cv-00099-HU

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Semcon Tech, LLC makes the following allegations against Defendant Intel Corporation:

**PARTIES**

1. At the time of the filing of the original Complaint (Dkt. No. 1) in District of Delaware Civil Action No. 12-531-RGA, Plaintiff Semcon Tech, LLC (“Semcon”)

was a Texas limited liability company. On April 17, 2013, Semcon converted to a Delaware limited liability company.

2. On information and belief, Defendant Intel Corporation (“Intel”) is a Delaware corporation with its principal place of business at 2200 Mission College Boulevard, Santa Clara, California. On information and belief, Intel can be served through its registered agent, Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Intel is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Oregon Long Arm Statute, due to having availed itself of the rights and benefits of Oregon law due to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Oregon and in this Judicial District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Intel has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

### **COUNT I** **INFRINGEMENT OF U.S. PATENT NO. 7,156,717**

6. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff Semcon is the owner by assignment of United States Patent No. 7,156,717 (“the ’717 patent”) titled “[In] Situ Finishing Aid Control.” The ’717 patent was duly and legally issued by the United States Patent and Trademark Office on January 2, 2007. A true and correct copy of the ’717 patent is included as Exhibit A.

8. Defendant Intel makes, uses, sells, offers for sale, and/or imports into the United States integrated circuits. On information and belief, at least some of the integrated circuits made, used, sold, offered for sale, and/or imported into the United States by Intel are fabricated using, in part, a process known as chemical-mechanical polishing (“CMP”) with the use of an Applied Materials Reflexion CMP system.

9. On information and belief, Intel has infringed and continues to infringe the ’717 patent by, among other things, making, using, offering for sale, selling and/or importing into the United States integrated circuits made by a process patented under the ’717 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using, in part, CMP with the use of an Applied Materials Reflexion CMP system, using a process covered by one or more claims of the ’717 patent, including but not limited to claim 1. By making, using, offering for sale, selling and/or importing into the United States integrated circuits made by a process patented under the ’717 patent, Intel has injured Semcon and is liable to Semcon for infringement of the ’717 patent pursuant to 35 U.S.C. § 271.

10. As a result of Intel’s infringement of the ’717 patent, Plaintiff Semcon has suffered monetary damages in an amount adequate to compensate for Intel’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Intel, together with interest and costs as fixed by the Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Intel has infringed, either literally and/or under the doctrine of equivalents, the '717 patent;
2. A judgment and order requiring Intel to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '717 patent as provided under 35 U.S.C. § 284; and
3. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED this 23rd day of May, 2013.

STOLL STOLL BERNE LOKTING &  
SHLACHTER P.C.

By: /s/Timothy S. DeJong

**Robert A. Shlachter**, OSB No. 911718

**Timothy S. DeJong**, OSB No. 940662

**Jacob S. Gill**, OSB No. 033238

209 SW Oak Street, Suite 500

Portland, OR 97204

Telephone: (503) 227-1600

Facsimile: (503) 227-6840

Email: rshlachter@stollberne.com

tdejong@stollberne.com

kgill@stollberne.com

-AND-

**Alexander C.D. Giza** (*Pro Hac Vice*)

**Marc A. Fenster** (*Pro Hac Vice*)

**Jeffrey Liao** (*Pro Hac Vice*)

RUSS AUGUST & KABAT

12424 Wilshire Blvd., Suite 1200

Los Angeles, CA 90025

Telephone: 310.826.7474

Facsimile: 310.826.6991

Email: agiza@raklaw.com

mfenster@raklaw.com

jliao@raklaw.com

**Attorneys for Plaintiff Semcon Tech, LLC**