

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

SEMCON TECH, LLC

Plaintiff,

v.

TEXAS INSTRUMENTS INCORPORATED,

Defendant.

Civil Action No. 3:13-CV-0249-N

JURY TRIAL DEMANDED

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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 Texas Instruments Incorporated:

**PARTIES**

1. At the time of the filing of the original Complaint (Dkt. No. 1) in District of Delaware Civil Action No. 12-534-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 Texas Instruments Incorporated (“TI”) is a Delaware corporation with its principal place of business at 12500 TI Boulevard, Dallas, Texas 75266. On information and belief, TI 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, TI is subject to this Court’s specific and

general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to having availed itself of the rights and benefits of Texas 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 Texas 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, TI 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 TI 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 TI 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, TI 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, TI 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 TI's infringement of the '717 patent, Plaintiff Semcon has suffered monetary damages in an amount adequate to compensate for TI's infringement, but in no event less than a reasonable royalty for the use made of the invention by TI, 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 TI has infringed, either literally and/or under the doctrine of equivalents, the '717 patent;
2. A judgment and order requiring TI 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.

DATE: June 3, 2013

RUSS AUGUST & KABAT

/s/ Jeffrey Liao

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

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

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

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***Attorneys for Plaintiff Semcon Tech, LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on June 3, 2013 with a copy of this document via the Court's CM/ECF system per Local Rule 5.1(d).

Dated: June 3, 2013

/s/ Jeffrey Liao  
Jeffrey Liao