

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SEMCON TECH, LLC,

Plaintiff,

v.

SEAGATE TECHNOLOGY, LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

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 Seagate Technology, LLC:

PARTIES

1. Plaintiff Semcon Tech, LLC (“Semcon”) is a Delaware limited liability company.
2. On information and belief, Defendant Seagate Technology, LLC (“Seagate”) is a Delaware limited liability company with its principal place of business at 10200 S. De Anza Blvd, Cupertino, California 95014. On information and belief, Seagate can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 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. Seagate is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due to having availed itself of the rights and benefits of Delaware by forming under Delaware law and due to its substantial business in this forum, including: (i) having offered for sale and/or sold products made by an infringing process in Delaware and in this District, having purposely imported/shipped or caused to be imported/shipped products made by an infringing process into Delaware and this District through established distribution channels, and/or having committed acts in this State and District that are the subject of the counts set forth 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 Delaware and in this District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Seagate has transacted business in this district and has committed 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. Seagate makes, uses, sells, offers for sale, and/or imports into the United States integrated circuits and/or products containing integrated circuits, such as hard disk drives.

9. At least some of the integrated circuits and/or products containing integrated circuits made, used, sold, offered for sale, and/or imported into the United States by Seagate are fabricated using, in part, a process known as chemical-mechanical polishing (“CMP”) performed with the use of Ebara F-REX CMP Systems.

10. On information and belief, Seagate 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 and/or products containing integrated circuits, such as hard disk drives, 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 performed with the use of Ebara F-REX CMP systems through 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 and/or products containing integrated circuits made using one or more processes covered by one or more claims of the ‘717 patent, Seagate has injured Semcon and is liable to Semcon for infringement of the ‘717 Patent.

11. As a result of Seagate’s infringement of the ‘717 Patent, Plaintiff Semcon is entitled to monetary damages in an amount adequate to compensate for Seagate’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Seagate, together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,656,023

12. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-11 above, as if fully set forth herein.

13. Plaintiff Semcon is the owner by assignment of United States Patent No. 6,656,023 (“the ‘023 patent”) titled “In situ control with lubricant and tracking”. The ‘023 patent was duly and legally issued by the United States Patent and Trademark Office on December 2, 2003. A true and correct copy of the ‘023 patent is included as Exhibit B.

14. On information and belief, Seagate has infringed and continues to infringe the ‘023 patent by, among other things, using, offering for sale, selling and/or importing into the United States integrated circuits and/or products containing integrated circuits, such as hard disk drives, made by a process patented under the ‘023 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using an Ebara F-REX CMP system, through a process covered by one or more claims of the ‘023 Patent, including but not limited to claim 1. By using, offering for sale, selling and/or importing into the United States integrated circuits and/or products containing integrated circuits made using one or more processes covered by one or more claims of the ‘023 patent, Seagate has injured Semcon and is liable to Semcon for infringement of the ‘023 patent.

15. As a result of Seagate’s infringement of the ‘023 Patent, Plaintiff Semcon is entitled to monetary damages in an amount adequate to compensate for Seagate’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Seagate, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff Semcon that Defendant Seagate has infringed, either literally and/or under the doctrine of equivalents, the '717 patent and the '023 patent;

b. A judgment and order requiring Defendant Seagate to pay Plaintiff Semcon its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant Seagate's infringement of the '717 patent and the '023 patent as provided under 35 U.S.C. § 284;

c. A judgment and order requiring Defendant Seagate to provide an accounting and to pay supplemental damages to Plaintiff Semcon, including without limitation, prejudgment and post-judgment interest; and

d. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

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

Dated: September 6, 2013

BAYARD, P.A.

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