

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

CHIEN-MIN SUNG,

Plaintiff,

v.

KINIK COMPANY and INTEL  
CORPORATION

Defendants.

**Civil Action No.** \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Chien-Min Sung, Ph.D. (“Dr. Sung” or “Plaintiff”), for its Complaint against Defendant Kinik Company and Intel Corporation (collectively referred to as “Defendants”), alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Dr. Sung is an individual residing at No. 4, Lane 32, Chung Cheng Road, Tansui, Taipei, Taiwan.

3. Upon information and belief, Kinik Company (“Kinik”) is a corporation organized and existing under the laws of Republic of China (R.O.C.), with a place of business at No.10, Yanping S. Rd., Zhongzheng Dist., Taipei City 10043, Taiwan (R.O.C.). Upon information and belief, Kinik sells and/or offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in

this judicial district and elsewhere in the United States and/or used in manufacture of such products.

4. Upon information and belief, Intel Corporation (“Intel”) is a corporation organized and existing under the laws of Delaware, with a place of business at 2200 Mission College Blvd., Santa Clara, CA 95054 and a registered agent for service of process at Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. Upon information and belief, Intel sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

8. Upon information and belief, each Defendant conducts substantial business in this forum, directly or through intermediaries, 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 Delaware and/or the manufacture of such goods. Further, this Court has personal jurisdiction over Intel because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,777,699**

9. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated into this First Claim for Relief.

10. On July 15, 2014, U.S. Patent No. 8,777,699 (“the ’699 patent”), entitled “Superabrasive Tools Having Substantially Leveled Particle Tips and Associated Methods,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’699 patent is attached as Exhibit 1.

11. Dr. Sung is the assignee and owner of the right, title and interest in and to the ’699 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

12. Upon information and belief, each Defendant has and continues to directly infringe one or more claims of the ’699 patent under 35 U.S.C. § 271 by making, using, selling, offering to sell, importing and/or providing and causing to be used products that are used to polish semiconductor wafers, which products by way of example include semi-conductor Chemical Mechanical Planarization (CMP) tools such as the CMP Diamond disk (the “Accused Instrumentalities”).

13. Upon information and belief, Kinik has knowledge of the ’699 patent, and Kinik has induced and continues to induce others to infringe at least one claim of the ’699 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant’s partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the ’699 patent.

14. In particular, each Kinik’s actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the Accused Instrumentalities and

providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Kinik has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Kinik has had actual knowledge of the '699 patent and knowledge that its acts were inducing infringement of the '699 patent since at least the date on which Kinik acquired such knowledge.

15. Upon information and belief, Kinik is liable as a contributory infringer of the '699 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States semiconductor wafers polishing tools to be especially made or adapted for use in an infringement of the '699 patent. The Accused Instrumentalities are material components for use in practicing the '699 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

16. Dr. Sung has been harmed by each Defendant's infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Dr. Sung demands a trial by jury on all issues triable as such.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Dr. Sung demands judgment for itself and against Defendants as follows:

- A. An adjudication that each Defendant has infringed '699 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Dr. Sung for Defendants' past infringement of the '699 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Dr. Sung of such further relief at law or in equity as the Court deems just and proper.

Dated: August 8, 2014

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