

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

IN-DEPTH TEST LLC,

Plaintiff,

v.

**FAIRCHILD SEMICONDUCTOR
CORPORATION**

Defendant.

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Case No.

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff In-Depth Test LLC (“In-Depth”) complains against Defendant Fairchild Semiconductor Corporation (“Fairchild” or “Defendant”) as follows:

PARTIES

1. Plaintiff In-Depth is a Texas limited liability company having a place of business in Plano, Texas.
2. On information and belief, Defendant Fairchild is a Delaware corporation having its principal place of business in San Jose, California.

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 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). On information and belief, Defendant is a Delaware corporation and has transacted business in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due at least to their incorporation in and substantial business in this forum, directly or through intermediaries, including 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 this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,792,373

6. Plaintiff In-Depth is the owner by assignment of United States Patent No. 6,792,373 ("the '373 patent") entitled "Method and Apparatus For Semiconductor Testing" – including all rights to recover for past and future acts of infringement. The '373 patent was duly and legally issued on September 14, 2004. A true and correct copy of the '373 patent is attached as Exhibit A.

7. On information and belief, Defendant Fairchild has been and is directly infringing the '373 patent. Fairchild's direct infringements include, without limitation, making, using, and/or offering for sale infringing semiconductor test systems and/or practicing infringing methods used to test/manufacture semiconductors used in at least Automotive Power Semiconductor applications, including but not limited to, Smart Power, Gate Drivers, Rectifiers, Ignition IGBT's, IGBT's, and MOSFETs, within the United States. Fairchild is thus liable for infringement of the '373 patent pursuant to 35 U.S.C. § 271(a).

8. Defendant has profited through the infringement of the '373 patent. As a result of Defendant's unlawful infringement of the '373 patent, plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover damages from Defendant that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests that this Court enter:

- A. A judgment in favor of plaintiff that Defendant has directly infringed the '373 patent;
- B. A judgment and order requiring Defendant to pay plaintiff damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Defendant's infringement of the '373 patent as provided under 35 U.S.C. § 284;
- C. A judgment and order that this case is exceptional under 35 U.S.C. § 285 and requiring Defendant to pay plaintiff's reasonable attorney fees
- D. Any and all other relief to which the Court may deem plaintiff is entitled.

DEMAND FOR JURY TRIAL

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

Dated: August 22, 2014

Respectfully submitted,

Of Counsel:

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