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George C. Summerfield (Summerfield@stadheimgrear.com) Rolf O. Stadheim (Stadheim@stadheimgrear.com) Robert M. Spalding (Spalding@stadheimgrear.com) 400 N. Michigan Avenue, Suite 2200 Chicago, Illinois 60611 Telephone: (312) 755-4400  LAW OFFICES OF KENNETH C. BROOKS Kenneth C. Brooks (kcb@brookspatents.com) 1578 Centre Point Dr. Milpitas, CA 95035 Telephone: (408) 368-7997  Attorneys for Plaintiff DANIEL L. FLAMM  UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION  DANIEL L. FLAMM, Sc.D., Plaintiff, V. MAXIM INTEGRATED PRODUCTS, INC., Third-Party Defendants.  Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of Maxim Integrated Products, Inc. as follows:  1. Dr. Flamm is the owner and inventor (or co-inventor)			
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11 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION  13 DANIEL L. FLAMM, Sc.D.,  Plaintiff,  v.  MAXIM INTEGRATED PRODUCTS, INC.,  Third-Party Defendants.  Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of Maxim Integrated Products, Inc. as follows:  1. Dr. Flamm is the owner and inventor (or co-inventor)			
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DEMAND FOR JURY  MAXIM INTEGRATED PRODUCTS, INC.,  Third-Party Defendants.  Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of  Maxim Integrated Products, Inc. as follows:  1. Dr. Flamm is the owner and inventor (or co-inventor)	,		
v. DEMAND FOR JURY MAXIM INTEGRATED PRODUCTS, INC., Third-Party Defendants.  Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of Maxim Integrated Products, Inc. as follows:  1. Dr. Flamm is the owner and inventor (or co-inventor)			
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Maxim Integrated Products, Inc. as follows:  1. Dr. Flamm is the owner and inventor (or co-inventor)	Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of complaint against		
22.	Maxim Integrated Products, Inc. as follows:		
22.	of United States		
Detent New 5 711 940 antitled "December Outliniant C. Di	of Officer States		
Patent Nos. 5,711,849 entitled "Process Optimization in Gas Phase Dry Etching";			
6,017,221 entitled "Process Depending on Plasma Discharges Sustained by Inductive			
Coupling"; and RE40,264 entitled "Multi-Temperature Processing" (collectively, "the			
Flamm Patents"). The Flamm Patents involve methods used in the fabrication of			
semiconductors.			
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COMPLAINT			

Case No. 5:16-cv-01580-BLF

1	<u>PARTIES</u>		
2	2. Dr. Flamm is an individual who resides in Walnut Creek, California.		
3	3. Maxim Integrated Products, Inc. is a corporation organized under the la		
4	of the State of Delaware with its principal place of business at 160 Rio Robles, San Jos		
5	CA 95134.		
6	JURISDICTION AND VENUE		
7	4. This Court has subject matter jurisdiction over this dispute under 35		
8	U.S.C. §§ 1331 and 1338(a).		
9	5. This Court has personal jurisdiction over Maxim because it has sufficient		
10	minimum contacts with this forum. Maxim is present within this judicial district and ha		
11	done business in the State of California related to its acts of infringement including		
12	purchasing equipment used for infringement from Lam Research Corp.		
13	6. Venue is proper in this judicial district under 35 U.S.C. §§ 1391(b),		
14	1391(c), and 1400(b).		
15	<u>FACTS</u>		
16	7. Lam Research Corporation filed a Second Amended Complaint in the		
17	action styled Lam Research Corp. v. Daniel L. Flamm, Case No. 4:15-cv-01277-BLF		
18	(Dkt. No. 80) on or about January 15, 2016. In that Second Amended Complaint, Lan		
19	seeks, inter alia, a declaration that: "Lam and its customers do not design or use its		
20	products in an infringing manner" for each of the Flamm Patents.		
21	8. Maxim is one of Lam's customers and is included among the customers on		
22	whose behalf Lam seeks relief.		
23	COUNT I		
24	Infringement of the '849 Patent		
25	9. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1		
26	through 11, as if fully set forth herein.		
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- 10. On January 27, 1998, United States Patent No. 5,711,849 ("the '849 Patent") was issued for inventions titled "Process Optimization in Gas Phase Dry Etching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A. Dr. Flamm is the co-inventor and sole owner of the '849 Patent.
- 11. Upon information and belief, Maxim directly infringes the claims of the '849 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated circuits in a manner that infringes the patents in-suit.
- 12. The infringement of the '849 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's wrongful acts of infringement in an amount subject to proof at trial.

### **COUNT II**

### Infringement of the '221 Patent

- 13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.
- 14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.
- 15. Upon information and belief, Maxim directly infringes the claims of the '221 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated circuits in a manner that infringes the patents in-suit.

16. The infringement of the '221 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's wrongful acts of infringement in an amount subject to proof at trial.

#### **COUNT III**

#### Infringement of the '264 Patent

- 17. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 19, as if fully set forth herein.
- 18. On April 29, 2008, United States Patent No. RE 40,264 ("the '264 Patent") was issued for inventions titled "Multi-Temperature Processing." A true and correct copy of the '264 Patent is attached hereto as Exhibit C. Dr. Flamm is the inventor and sole owner of the '264 Patent.
- 19. Upon information and belief, Maxim directly infringes the claims of the '264 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated circuits in a manner that infringes the patents in-suit.
- 20. The infringement of the '264 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's wrongful acts of infringement in an amount subject to proof at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Dr. Flamm prays for entry of judgment:

- a) that Maxim has infringed one or more claims of the '849 Patent;
- b) that Maxim has infringed one or more claims of the '221 Patent;
- c) that Maxim has infringed one or more claims of the '264 Patent;
- d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for such infringement;
- e) awarding Dr. Flamm his attorneys' fees incurred in this action;

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1	f) awarding costs to Dr. Flamm; and		
2	g) such further relief as the Cour	g) such further relief as the Court deems appropriate.	
3	3		
4	4 JURY TRIA	L DEMAND	
5	5 Daniel L. Flamm hereby demands a tr	Daniel L. Flamm hereby demands a trial by jury of all issues so triable.	
6	6 April 22, 2016 Res	pectfully submitted,	
7	7 STA	ADHEIM & GREAR, LTD.	
8	8 By:	/s/ Robert M. Spalding	
9		orge C. Summerfield mmerfield@stadheimgrear.com)	
10	$_{0}$   Rol	f O. Stadheim	
11		dheim@stadheimgrear.com) pert M. Spalding	
12	( <u>Sp</u>	alding@stadheimgrear.com) N. Michigan Avenue, Suite 2200	
13	Chi	cago, Illinois 60611	
		ephone: (312) 755-4400 simile: (312) 755-4408	
14	4	Silline. (312) 733-4406	
15	<b>   </b>	W OFFICES OF KENNETH C. BROOKS uneth C. Brooks ( <a href="mailto:kcb@brookspatents.com">kcb@brookspatents.com</a> )	
16	6    157	8 Centre Point Dr.	
17	7 11	pitas, CA 95035 ephone: (408) 368-7997	
18		phone. (400) 300-1771	
19	Atto	orneys for Plaintiff Daniel L. Flamm	
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COMPLAINT

Case No. 5:16-cv-01580-BLF

**CERTIFICATE OF SERVICE** I declare under penalty of perjury under the laws of the United States that on April 22, 2016, a true and correct copy of the foregoing COMPLAINT was served in accordance with Rule 5, Federal Rules of Civil Procedure on the following counsel of record in the manner indicated: Via CM/ECF David M. Barkan (barkan@fr.com) FISH & RICHARDSON P.C. 500 Arguello Street, Suite 500 Redwood City, CA 94063 Telephone: (650) 839-5070 /s/ Robert M. Spalding Robert M. Spalding STADHEIM & GREAR, LTD. Attorney for Plaintiff DANIEL L. FLAMM **COMPLAINT** 

Case No. 5:16-cv-01580-BLF