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11	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
12	SAN JOSE DIVISION		
13		_	
14	DANIEL L. FLAMM, Sc.D.,	Case No. 5:16-cv-01579-BLF	
15	Plaintiff,	COMPLAINT	
16	v.	DEMAND FOR JURY TRIAL	
17	INTEL CORPORATION,		
18	Defendant.		
19	Plaintiff Daniel L. Flamm Sc.D. hereby	alleges, by way of complaint against Intel	
20	Corporation as follows:		
21	1. Dr. Flamm is the owner and inventor (or co-inventor) of United States		
22	Patent Nos. 5,711,849 entitled "Process Optimization in Gas Phase Dry Etching";		
23	6,017,221 entitled "Process Depending on Plasma Discharges Sustained by Inductive		
24	Coupling"; and RE40,264 entitled "Multi-Temperature Processing" (collectively, "the		
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26	Flamm Patents"). The Flamm Patents involve methods used in the fabrication of		
27	semiconductors.		
28	1		
	COMPLAINT 1		

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1	<u>PARTIES</u>		
2	2. Dr. Flamm is an individual who resides in Walnut Creek, California.		
3	3. Intel Corporation is a corporation organized under the laws of the State of		
4	Delaware with its principal place of business at 2200 Mission College Boulevard, Sant		
5	Clara, CA 95054.		
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 Intel because it has sufficient		
10	minimum contacts with this forum. Intel is present within this judicial district and has		
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-BLI		
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. Intel is one of Lam's customers and is included among the customers on		
22	whose behalf Lam seeks relief.		
23	COUNT I		
24	<u>Infringement of the '849 Patent</u>		
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, Intel 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 Intel has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of Intel'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, Intel 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 Intel has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of Intel'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, Intel 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 Intel has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of Intel'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 Intel has infringed one or more claims of the '849 Patent;
- b) that Intel has infringed one or more claims of the '221 Patent;
- c) that Intel 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;

1	f) awarding costs to Dr. Flamm; and	
2	g) such further relief as the Court deems appropriate.	
3		
4	JU	RY TRIAL DEMAND
5	Daniel L. Flamm hereby demands a trial by jury of all issues so triable.	
6	April 22, 2016	Respectfully submitted,
7		STADHEIM & GREAR, LTD.
8		By: /s/ Robert M. Spalding
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COMPLAINT

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CERTIFICATE OF SERVICE 1 2 I declare under penalty of perjury under the laws of the United States that on 3 April 22, 2016, a true and correct copy of the foregoing COMPLAINT was served in 4 accordance with Rule 5, Federal Rules of Civil Procedure on the following counsel of record in the manner indicated: 5 6 Via CM/ECF 7 8 Chad S. Campbell (CSCampbell@perkinscoie.com) PERKINS COIE LLP 9 2901 North Central Avenue, Suite 2000 Phoenix, AZ 85012-2788 10 Telephone: (602) 351-8000 11 Jonathan L. McFarland (JMcFarland@perkinscoie.com) Christina J. McCullough (CMcCullough@perkinscoie.com) 12 PERKINS COIE LLP 13 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099 14 Telephone: (206) 359-8000 15 16 17 /s/ Robert M. Spalding Robert M. Spalding 18 STADHEIM & GREAR, LTD. 19 Attorney for Plaintiff DANIEL L. FLAMM 20 21 22 23 24 25 26 27 28 6

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