

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

NORTH STAR INNOVATIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: _____
	)	
XILINX, INC.,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

North Star Innovations, Inc. (“North Star”), by and through its attorneys, files this Complaint for Patent Infringement against Defendant, Xilinx, Inc. (“Xilinx”), and avers as follows:

**PARTIES**

1. North Star is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 600 Anton Blvd., Suite 1350, Costa Mesa, CA 92626, and further having a registered office at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. North Star is the owner, through assignment, of the entire right, title and interest in United States Patent Nos. 6,013,571, entitled “MICROELECTRONIC ASSEMBLY INCLUDING COLUMNAR INTERCONNECTIONS AND METHOD FOR FORMING SAME” (“the ‘571 Patent”), and 5,961,373, entitled “PROCESS FOR FORMING A SEMICONDUCTOR DEVICE” (“the ‘373 Patent”).

2. Xilinx is a corporation incorporated under the laws of Delaware, having its principal place of business at 2100 Logic Drive, San Jose, CA 95124. Xilinx’s registered agent for service of process in the State of Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Upon information and belief, at all times relevant to this action, Xilinx has been

engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, Field-Programmable Gate Array (“FPGA”) products that are made using a method for forming a microelectronic assembly including an integrated circuit component attached to a substrate by columnar interconnections.

4. Upon information and belief, at all times relevant to this action, Xilinx has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, FPGA products that are made using a polishing and conditioning process for fabrication of a semiconductor device.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and § 1338(a).

6. This Court has personal jurisdiction over Defendant in this district, in that Defendant, directly or through its agents, is a resident of, and/or has regularly conducted business activities in this district; has committed infringing activities in this district by manufacturing, using, marketing, offering for sale, selling and/or importing products and systems that infringe the ‘571 and ‘373 Patents (“the Patents-in-suit”); and/or has placed products and systems that infringe the Patents-in-suit in the stream of commerce with the knowledge and intent that they would be used, offered for sale and/or sold by others in this district.

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

#### **GENERAL ALLEGATIONS**

8. The ‘571 Patent was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on January 11, 2000, naming Michelle J. Morrell as inventor, and

Motorola, Inc. as assignee. A true and correct copy of the '571 Patent is attached as Exhibit "A" hereto.

9. The '571 Patent relates to a method for forming a microelectronic assembly including an integrated circuit component attached to a substrate by columnar interconnections.

10. The '373 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on October 5, 1999, naming Lei Ping Lai and Sung C. Kim as inventors, and Motorola, Inc. as assignee. A true and correct copy of the '373 Patent is attached as Exhibit "B" hereto.

11. The '373 Patent relates to a polishing and conditioning process for fabrication of a semiconductor device.

12. The Patents-in-suit as issued by the USPTO are valid and enforceable.

13. The Patents-in-suit were ultimately assigned to North Star, and North Star is the exclusive and current owner of all rights, title and interest in the Patents-in-suit, and is entitled to enforce the Patents-in-suit against infringers, including by commencing the present action.

14. Xilinx has engaged and continues to engage in acts of infringement under 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, FPGA devices that are made using a method for forming a microelectronic assembly including an integrated circuit component attached to a substrate by columnar interconnections that embodies each element of at least one (1) claim of the '571 Patent, including, without limitation, Independent Claim 1, either literally or under the doctrine of equivalents.

15. By way of example only, one of the infringing products that Xilinx has specifically manufactured, used, offered for sale and/or sold in the United States, and/or

imported into the United States for sale, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States for sale, is the Xilinx 28-nm Virtex-7 LX2000T, 2.5D FPGA.

16. Xilinx has engaged and continues to engage in acts of infringement under 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, FPGA products that are made using a polishing and conditioning process for fabrication of a semiconductor device that embodies each element of at least one (1) claim of the '373 Patent, including, without limitation, Independent Claim 1, either literally or under the doctrine of equivalents.

17. By way of example only, one of the infringing products that Xilinx has specifically manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States for sale, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States for sale, is the Xilinx 65-nm Virtex-5 FPGA.

18. Xilinx does not have a license or other authorization to practice the claims set forth in the Patents-in-suit.

**CLAIM FOR PATENT INFRINGEMENT**

19. North Star incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 18, inclusive, of this Complaint.

20. Xilinx has manufactured, used, offered for sale, sold and/or imported into the United States for sale, and continues to manufacture, use, offer for sale, sell and/or import into the United States for sale, FPGA products that are made using a process that infringes at least Claim 1 of the '571 Patent.

21. Xilinx has manufactured, used, offered for sale, sold and/or imported into the United States for sale, and continues to manufacture, use, offer for sale, sell and/or import into the United States for sale, FPGA products that are made using a process that infringes at least Claim 1 of the '373 Patent.

**DAMAGES**

22. North Star incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 21, inclusive, of this Complaint.

23. Xilinx has caused and will continue to cause North Star substantial damage by virtue of its infringing activities.

24. North Star is entitled to recover from Xilinx the damages it has sustained as a result of Xilinx's infringing activities.

**DEMAND FOR JURY TRIAL**

25. North Star hereby demands a trial by jury of all issues triable of right before a jury.

**PRAYER FOR RELIEF**

WHEREFORE, North Star respectfully requests the following relief:

- a) That this Court enter judgment in favor of North Star and against Xilinx that Xilinx has infringed the Patents-in-suit;
- b) That this Court award North Star all damages adequate to compensate North Star for the harm it has suffered as a result of Xilinx's infringement of the Patents-in-suit, together with pre- and post-judgment interest and costs as fixed by the Court, all pursuant to 35 U.S.C. § 284;
- c) In the event that evidence is adduced through discovery or at trial that

Xilinx's infringement was willful and deliberate, that this Court award North Star enhanced damages pursuant to 35 U.S.C. § 284;

- d) In the event that circumstances warrant a declaration that this case be declared to be exceptional, that this Court award North Star its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- e) That this Court award to North Star such other and further relief as this Court deems to be just and proper.

Dated: September 2, 2016

PHILLIPS GOLDMAN MCLAUGHLIN &  
HALL, P.A.

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