

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MARINER IC INC.,		§	
	Plaintiff,	§	Case No.
		§	
v.		§	JURY TRIAL DEMANDED
		§	
BOSE CORPORATION,		§	
	Defendant.	§	
		§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mariner IC Inc. (“Mariner” or “Plaintiff”), for its Complaint against Defendant Bose Corporation (“Bose” or “Defendant”), alleges as follows:

THE PARTIES

1. Mariner is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 100 W. Houston Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant Bose Corporation is a corporation organized and existing under the laws of Delaware, with its principal place of business located at The Mountain, Framingham, Massachusetts 01701. Defendant may be served with process through its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. On information and belief, Defendant maintains a sales office within this District at The Shops at Willow Bend, 6121 West Park Boulevard, Plano, Texas 75093.

3. Upon information and belief, Defendant employs individuals in this District involved in the sales and marketing of its products, including those accused of infringement below.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant. Defendant regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other things, Defendant is subject to personal jurisdiction in this Judicial District, has purposely transacted business involving the accused products in this Judicial District, including sales to one or more customers in Texas, and certain of the acts complained of herein, including acts of patent infringement, occurred in this Judicial District.

7. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

8. On July 22, 1997, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,650,666 (the “’666 Patent”) entitled “Method and Apparatus for Preventing Cracks in Semiconductor Die.” A true and correct copy of the ’666 Patent is available at:

<http://pdfpiw.uspto.gov/.piw?Docid=5650666&idkey=NONE&homeurl=http%3A%252F%252Fpatft.uspto.gov%252Fnethtml%252FPPTO%252Fpatimg.htm>.

9. On December 8, 1998, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,846,874 (the “’874 Patent”) entitled “Method and Apparatus for Preventing Cracks in Semiconductor Die.” A true and correct copy of the ’874 Patent is available at:

<http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=05846874&IDKey=&HomeUrl=http%3A%252Fpdfpiw.uspto.gov%252F>.

10. Mariner is the sole and exclusive owner of all right, title and interest in the ’666 Patent and ’874 Patent (together, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Mariner also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

11. The Patents-in-Suit generally cover anchor structures that are placed in the corners and around the edges of a semiconductor die to prevent cracks in the die due to stress. The anchor structures are positioned at approximately a 45-degree angle to the sides of the die and are comprised of at least a substrate layer, a metal layer and an oxide layer. The placement

of the anchor structures more uniformly distributes stresses along the anchor preventing cracks at the corners of the die.

12. Semiconductors using anchor structures of the type taught and disclosed in the Patents-in-Suit are found in many high definition televisions, cellular devices, hard drives, touch screen controllers, and other widely available products. These semiconductors include chips from STMicroelectronics, Inc. and STMicroelectronics N.V. (together, “STMicro”) and other semiconductor manufacturers that contain the anchor structures of the ’666 and ’874 Patents.

13. On information and belief, Bose is in the business of selling electronic devices, including speakers employing anchor structures accused of infringement herein.

14. Mariner has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

COUNT I
(Infringement of the ’666 Patent)

15. Paragraphs 1 through 14 are incorporated herein by reference as if fully set forth in their entireties.

16. Mariner has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the ’666 Patent.

17. Defendant has and continues to directly infringe the ’666 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling and/or importing into the United States products that satisfy each and every limitation of one or more claims of the ’666 Patent. Upon information and belief, these products include products that utilize semiconductor devices that contain the anchor structures of the ’666 Patent. On information and belief, and by way of example, these

products include Bose speakers that include semiconductor devices that utilize anchor structures according to the '666 Patent. By way of example, infringing products include the Bose 301 Series V Speaker System containing STMicro semiconductors that include anchor structures according to the '666 Patent. These products infringe at least claim 1 of the '666 Patent.

18. On information and belief, the semiconductors that are components of Bose's products, such as the STMicro and other semiconductors, include a semi-conductor die having corner areas and edges each with open fields in which no active busses or circuits are located. These semiconductors further include a substrate layer, a first metal layer disposed over the substrate layer, and an oxide layer disposed over the first metal layer. The anchor structures included in these semiconductors are placed in an open field of a corner area and positioned to be approximately perpendicular to a force vector impinging on the semiconductor die at approximately a 45 degree angle with respect to an imaginary line passing horizontally through the semiconductor die.

19. Mariner has suffered damages as a result of Defendant's direct infringement of the '666 Patent in an amount to be proved at trial.

20. Mariner has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '666 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT II
(Infringement of the '874 Patent)

21. Paragraphs 1 through 14 are incorporated herein by reference as if fully set forth in their entireties.

22. Mariner has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '874 Patent.

23. Defendant has and continues to directly infringe the '874 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling and/or importing into the United States products made by the method claimed in one or more claims of the '874 Patent. Upon information and belief, these products include products that utilize semiconductor devices that contain the anchor structures of the '874 Patent. On information and belief, and by way of example, these products include Bose speakers that include semiconductor devices that utilize anchor structures according to the '874 Patent. By way of example, infringing products include the Bose 301 Series V Speaker System containing STMicro semiconductors that include anchor structures according to the '874 Patent. These products infringe at least claim 1 of the '874 Patent.

24. On information and belief, the semiconductors that are components of Bose's products, such as the STMicro and other semiconductors, are made according to a method for preventing shear stress damage to a semiconductor die, where the semiconductor die has corner areas and edges. These semiconductors are further made by reserving a portion of the corner area of the die as an open field and by placing an anchor structure comprising metal, oxide, and polysilicon in the open field. The anchor structures of the semiconductors are perpendicular to a resultant force vector of the shear stress at approximately a 45 degree angle with an imaginary horizontal line passing through the die.

25. Mariner has suffered damages as a result of Defendant's direct infringement of the '874 Patent in an amount to be proved at trial.

26. Mariner has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '874 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Mariner prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly infringed one or more claims of each of the Patents-in-Suit;
- b. An order awarding damages sufficient to compensate Mariner for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- c. Entry of judgment declaring that this case is exceptional and awarding Mariner its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- d. Such other and further relief as the Court deems just and proper.

Dated: March 13, 2018

Respectfully submitted,

/s/ Alfred R. Fabricant

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**ATTORNEYS FOR PLAINTIFF
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