

3. Upon information and belief, Schneider Electric USA, Inc. (“Schneider Electric USA” and together with Schneider Electric, “Schneider”) is a Delaware corporation, with its principal place of business at Boston One Campus, 800 Federal Street, Andover, Massachusetts 01810. Schneider Electric USA may be served with process through its registered agent, Corporation Service Company, located at 211 East 7th Street, Suite 620, Austin, Texas 78701. On information and belief, Schneider Electric USA is a U.S.-based subsidiary of Schneider Electric, and oversees Schneider Electric USA’s sales operations. On information and belief, Schneider Electric USA maintains a sales office within this district at 911 NW Loop 281, Suite 317, Longview, Texas 75604.

4. Upon information and belief, Schneider Electric USA employs individuals in this District involved in the sales and marketing of its products including those accused of infringement below.

JURISDICTION

5. 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).

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

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other things, Defendants are subject to personal jurisdiction in this Judicial

District, each Defendant has a regular and established place of business in the State of Texas and in this Judicial District, have 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. Additionally, venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Schneider Electric SA not resident in the United States, and thus may be sued in any Judicial District pursuant to 28 U.S.C. § 1391(c)(3).

8. Defendants are 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.

9. Joinder of Defendants is proper under 35 U.S.C. § 299(a) because, as set forth herein, Defendants are jointly liable for patent infringement with respect to the manufacture, import, sale and/or offer to sell the same accused products, and questions of fact common to all Defendants will arise in this action.

PATENTS-IN-SUIT

10. 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%252FPTO%252Fpatimg.htm>.

11. 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%2F%2Fpdfpiw.uspto.gov%2F>.

12. 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.

13. 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.

14. Semiconductors using anchor structures of the type taught and disclosed in the Patents-in-Suit are found in many high definition televisions, power meters, 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.

15. On information and belief, Schneider Electric, is in the business of selling electronic devices including power meters accused of infringement herein.

16. 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)

17. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

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

19. Defendants have and continue 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 Schneider Electric power meters. By way of example, infringing power meters include the Schneider Electric PM5563, METSEPM5563 and METSEPM5563RD power meters, which include integrated circuits, such as the STMicroelectronics STM32 that include anchor structures according to the '666 Patent. These products infringe at least claim 1 of the '666 Patent.

20. On information and belief, the semiconductors that are components of Schneider Electric'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.

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

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

COUNT II
(Infringement of the '874 Patent)

23. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

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

25. Defendants have and continue 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 Schneider Electric power meters. By way of example, infringing power meters include the Schneider Electric PM5563, METSEPM5563 and METSEPM5563RD power meters, which include integrated circuits, such as the STMicroelectronics STM32 that include anchor

structures according to the '874 Patent. These products infringe at least claim 1 of the '874 Patent.

26. On information and belief, the semiconductors that are components of Schneider Electric'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.

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

28. Mariner has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '874 Patent, for which there is no adequate remedy at law, unless Defendants' 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 Defendants as follows:

- a. Entry of judgment declaring that Defendants have directly infringed one or more claims of each of the Patents-in-Suit;
- b. An order awarding damages sufficient to compensate Mariner for Defendants'

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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