

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLASMA PHYSICS CORPORATION and
SOLAR PHYSICS CORPORATION,
Plaintiffs,

vs.

NATIONAL SEMICONDUCTOR
CORPORATION,
Defendant

Civil Action No.:

CV 02 3459

JURY TRIAL DEMANDED

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT - E.D.N.Y.
★ JUN 14 2002 ★
WEXLER, J.
WALL, M.J.
BROOKLYN OFFICE

COMPLAINT

Plaintiffs, Plasma Physics Corporation ("Plasma Physics") and Solar Physics Corporation ("Solar Physics"), for their complaint against NATIONAL SEMICONDUCTOR CORPORATION ("NSC") allege as follows:

JURISDICTION

1. This is an action for patent infringement under the laws of the United States, Title 35, United States Code. Jurisdiction and venue are based on Sections 1331, 1338(a), 1391(b), 1391(c), and 1400(b) of Title 28, United States Code.

PARTIES

2. Plaintiff Plasma Physics is a New York corporation with its principal place of business at 40 Overlook Road, Locust Valley, New York 11560, within this judicial district.

3. Plaintiff Solar Physics is a New York corporation with its principal place of business at 40 Overlook Road, Locust Valley, New York 11560, within this judicial district.

4. Upon information and belief, defendant NSC is a Delaware corporation having a place of business at 2900 Semiconductor Drive, P.O. Box 58090, Santa Clara, California 95052-8090. Upon information and belief, in connection with the acts of infringement complained of herein, NSC in person or through an agent is (a) transacting business within New York, (b) contracting to supply goods or services in New York, (c) committing tortious acts within New York, and/or (d) committing tortious acts without New York causing injury to persons and property within New York, and (i) regularly does or solicits business, or derives substantial revenue from goods used or consumed or services rendered, in New York or (ii) expects or should reasonably expect its tortious acts to have consequences in New York and derives substantial revenue from interstate or international commerce.

THE PATENTS IN SUIT

5. United States Patent 4,226,897 ("the '897 patent") entitled "Method of Forming Semiconducting Materials and Barriers" (copy under Tab 1) duly and legally issued to Plasma Physics on October 7, 1980, based upon an application filed on December 5, 1977 by John H. Coleman. Plasma Physics is the owner of title to the '897 patent and has the right to recover for past infringement thereof with respect to the following subject matter areas: apparatus for performing plasma chemical vapor coating or plasma chemical vapor etching of disc-shaped wafers made of single crystal silicon, polycrystal silicon, single crystal III-V compounds or polycrystal III-V compounds; disc-shaped wafers made with such apparatus by plasma chemical vapor coating or plasma chemical vapor etching; and processes in combination with such apparatus (hereinafter "the Excluded Subject Matter"). Solar Physics is the exclusive licensee of the '897 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

6. United States Patent 5,470,784 ("the '784 patent") entitled "Method of Forming Semiconducting Materials and Barriers Using A Multiple Chamber Arrangement"

(copy under Tab 2) duly and legally issued to Plasma Physics on November 28, 1995, based upon an application filed on September 23, 1992 by John H. Coleman. Plasma Physics is the owner of title to the '784 patent and has the right to recover for past infringement thereof in the areas of the Excluded Subject Matter. Solar Physics is the exclusive licensee of the '784 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

7. United States Patent 5,543,634 ("the '634 patent") entitled "Method of Forming Semiconducting Materials and Barriers" (copy under Tab 3) duly and legally issued to Plasma Physics on August 6, 1996, based upon an application filed on June 2, 1994 by John H. Coleman. Plasma Physics is the owner of title to the '634 patent and has the right to recover for past infringement thereof in the areas of the Excluded Subject Matter. Solar Physics is the exclusive licensee of the '634 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

8. United States Patent 6,245,648 ("the '648 patent") entitled "Method of Forming Semiconducting Materials and Barriers" (copy under Tab 4) duly and legally issued to Plasma Physics on June 12, 2001, based upon an application filed on May 18, 1995 by John H. Coleman. Plasma Physics is the owner of title to the '648 patent and has the right to recover for past infringement thereof in the areas of the Excluded Subject Matter. Solar Physics is the exclusive licensee of the '648 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

CLAIMS FOR PATENT INFRINGEMENT

9. Upon information and belief, defendant NSC has infringed one or more claims of the '897, '784, and '648 patents, and is continuing to infringe one or more claims of the '784 and '648 patents, in violation of 35 U.S.C. §§ 271(a), (b), and/or (g) by making, using, offering to sell, selling, and/or importing into the United States semiconductor wafer products,

and semiconductor devices made therefrom, made by processes claimed in one or more claims of the '897, '784, and '648 patents and/or by actively inducing infringement of one or more claims of the '897, '784, and '648 patents.

10. Upon information and belief, defendant NSC has infringed and is continuing to infringe one or more claims of the '634 patent in violation of 35 U.S.C. §§ 271 (a) and/or (b) by making, using, offering to sell, selling, and/or importing into the United States flat panel display cells and/or modules and/or products therefrom and/or by actively inducing infringement of one or more claims of the '634 patent.

11. Notice of infringement has been given to defendant NSC.

12. Upon information and belief, the infringement by defendant NSC has been willful and deliberate.

WHEREFORE, plaintiffs Plasma Physics Corporation and Solar Physics Corporation pray for judgment and relief against defendant, including:

A. Adjudging each of the '897, '784, '634, and '648 patents to be not invalid and to be enforceable;

B. Adjudging that the defendant NSC has infringed and induced infringement of said patents;

C. Permanently enjoining defendant NSC and its respective officers, agents, servants, employees, attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of injunction, including distributors and customers, from continuing acts of infringement of the '784 patent pursuant to 35 U.S.C. § 283;

D. Permanently enjoining defendant NSC and its respective officers, agents, servants, employees, attorneys, all parent and subsidiary corporations, their assigns and

successors in interest, and those persons in active concert or participation with any of them who receive notice of injunction, including distributors and customers, from continuing acts of infringement of the '634 patent pursuant to 35 U.S.C. § 283;

E. Permanently enjoining defendant NSC and its respective officers, agents, servants, employees, attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of injunction, including distributors and customers, from continuing acts of infringement of the '648 patent pursuant to 35 U.S.C. § 283;

F. Adjudging that an accounting be had for damages caused by the defendant's infringement, together with pre-judgment and post-judgment interest;

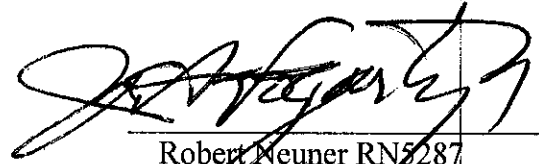
G. Adjudging that the defendant NSC is a willful infringer and trebling the aforesaid damages pursuant to 35 U.S.C. § 284;

H. Adjudging that this case is an exceptional case and awarding Plasma Physics Corporation and Solar Physics Corporation their costs, expenses, and reasonable attorney's fees pursuant to 35 U.S.C. § 285; and

I. Such other and further relief as this Court may deem just and proper.

Trial by Jury is hereby demanded.

Dated: June 14, 2002

A handwritten signature in black ink, appearing to read 'Robert Neuner', is written over a horizontal line.

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SEE COURT FILES FOR
EXHIBIT(S)