

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

COPPERFIELD LICENSING LLC,

Plaintiff,

v.

MKS INSTRUMENTS, INC.,

Defendant.

CIVIL ACTION

NO. 6:21-CV-01013

**Jury Trial Demanded**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Copperfield Licensing LLC (“Plaintiff”) files this Complaint for Patent Infringement against Defendant, and states as follows:

**THE PARTIES**

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas, having its principal office at 7548 Preston Rd, Ste. 141 PMB 1096, Frisco, TX 75034.

2. Defendant MKS Instruments, Inc. (“Defendant”) is a corporation organized under the laws of the State of Massachusetts. Defendant may be served with process through its registered agent, C T Corporation System, 1999 Bryan St., Ste 900, Dallas, TX 75201. Upon information and belief, Defendant makes, uses, offers to sell, sells, and/or imports products and services throughout the United States, including in this judicial district.

**JURISDICTION AND VENUE**

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the

United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. This Court has general and specific personal jurisdiction over Defendant, consistent with due process. On information and belief, Defendant has a regular place of business in the State of Texas at 1321 Rutherford Lane, Suite 200, Austin, TX 78753. Further, Defendant has minimum contacts with the State of Texas, and Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas, including, on information and belief, through the manufacture, use, sale, and/or offer for sale of the accused products and/or services throughout the State of Texas and this judicial district.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant has a place of business and, on information and belief, has committed acts of infringement in this judicial district.

### **FACTUAL BACKGROUND**

#### **U.S. Patent No. 6,809,033**

6. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,809,033, entitled “Innovative Method of Hard Mask Removal” (“the ’033 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

7. A true and correct copy of the ’033 patent is attached hereto as Exhibit A. The ’033 patent is incorporated herein by reference.

8. The application that became the ’033 patent was filed on November 7, 2001.

9. The ’033 patent issued on October 26, 2004, after a full and fair examination by the USPTO.

10. The ’033 patent is valid and enforceable and directed to eligible subject matter.

11. The elements recited in the asserted claims of the '033 patent were not well-understood, routine, or conventional when the application that became the '033 patent was filed.

12. The claims of the '033 patent, including claim 20, are directed to technical solutions to technical problems involved in semiconductor device manufacturing, including technical solutions relating to the removal of hard masks.

**COUNT I – INFRINGEMENT OF THE '033 PATENT**

13. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

14. Defendant has been and is now making, using, selling, offering for sale, and/or importing products and/or services that incorporate one or more of the inventions claimed in the '033 patent.

15. For example, Defendant infringes at least claim 20 of the '033 patent, either literally or under the doctrine of equivalents, in connection with Defendant's semiconductor etching technology, as detailed in the preliminary claim chart attached hereto as Exhibit B and incorporated herein by reference.

16. Defendant's infringing activities are and have been without authority or license under the '033 patent.

17. Plaintiff has been damaged by Defendant's infringement of the '033 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

**JURY DEMAND**

Plaintiff demands a trial by jury of all issues so triable.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. Entry of judgment that Defendant has infringed one or more claims of the '033 patent,
- B. Damages in an amount to be determined at trial for Defendant's infringement, which amount cannot be less than a reasonable royalty,
- C. Pre-judgment and post-judgment interest on the damages assessed, and
- D. That the Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285, and
- E. Such other and further relief, both at law and in equity, to which Plaintiff may be entitled and which the Court deems just and proper.

This 30th day of September, 2021.

*/s/ Cortney S. Alexander*

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