

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTEL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
AMBERWAVE SYSTEMS CORPORATION,)	
)	
Defendant.)	DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Intel Corporation (“Intel”) by and through its undersigned attorneys, hereby demands a trial by jury on all issues so triable and, for its Complaint in this declaratory judgment action, alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction of this action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the laws of the United States concerning actions relating to patents, 28 U.S.C. § 1338(a).
2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), because, upon information and belief, AmberWave Systems Corporation (“Defendant”) is incorporated in Delaware.

THE PARTIES

3. Intel is a Delaware corporation with its principal place of business in Santa Clara, California. Intel is engaged in the business of manufacturing high performance computer microprocessors.

4. Upon information and belief, Defendant is a Delaware corporation with its principal place of business in Salem, New Hampshire. Defendant is engaged in the business of manufacturing and developing strained silicon technology.

BACKGROUND

5. On July 11, 2006, United States Patent No. 7,074,655 entitled "Gate Material for Semiconductor Device Fabrication" ("the '655 Patent") was issued, naming, Anthony J. Lochtefeld, Dimitri Antoniadis and Matthew T. Currie as inventors and Defendant as assignee. A copy of the '655 Patent is attached as Exhibit A.

6. On July 8, 2006, counsel for Defendant communicated to counsel for Plaintiff its intention to assert the '655 Patent against Intel.

7. As a result of this communication, Intel reasonably apprehends that Defendant intends imminently to assert a claim against Intel under 35 U.S.C. § 271 alleging infringement of the '655 Patent by Intel's continuing to make, offer to sell, and selling its current commercial products.

8. There is a substantial and continuing justiciable controversy between Intel and Defendant as to Defendant's rights to threaten or maintain suit for infringement of the '655 Patent and as to whether any of Intel's current commercial products infringes any of the claims of the '655 Patent.

CLAIM FOR RELIEF

(Declaratory Judgment of Non-infringement)

9. Intel re-alleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 8, inclusive, as set forth above.

10. Intel has not manufactured, assembled, sold, offered for sale or distributed within the United States any devices or systems that directly infringe any of the claims of the '655 Patent.

11. Intel has not manufactured, assembled, sold, offered for sale or distributed within the United States any devices or systems that fall within the range of equivalents of any of the claims of the '655 Patent.

12. Intel has not induced, and is not now inducing, infringement of the '655 Patent in any manner whatsoever.


13. Intel has not, and is not now, contributing to the infringement of the '655 Patent in any manner whatsoever.

PRAYER FOR RELIEF

WHEREFORE, Intel respectfully prays for relief and judgment against Defendant as follows:

- (a) a declaration that Intel has not infringed the '655 Patent directly, by inducement, or by contribution; and
- (b) for such other and further relief that may be just and appropriate.

Respectfully submitted,



Josy W. Ingersoll (No. 1088)
John W. Shaw (No 3362)
Karen E. Keller (No. 4489)
YOUNG CONWAY STARGATT &
TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
kkeller@ycst.com

George M. Newcombe (CA Bar No. 202898)
SIMPSON THACHER & BARTLETT
3330 Hillview Avenue
Palo Alto, California 94303
(650) 251-5000

Attorneys for Plaintiff Intel Corporation

Dated: July 11, 2006