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U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ON SEMICONDUCTOR CORPORATION, and
SEMICONDUCTOR COMPONENTS
INDUSTRIES, L.L.C.
Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA GENERAL, L.L.C.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR,
L.L.C.,
Defendants.

BY _____

Civil Action No. 6:06 cv 523

COMPLAINT

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ON Semiconductor Corp. ("ON Semiconductor") and plaintiff Semiconductor Components Industries, L.L.C. ("Semiconductor Components") (collectively, "Plaintiffs"), for their Complaint against defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America General, L.L.C., Samsung Semiconductor, Inc. and Samsung Austin Semiconductor, L.L.C. (collectively "Defendants"), state as follows.

THE PARTIES

1. Plaintiff ON Semiconductor is a Delaware corporation with its principal place of business at 5005 East McDowell Road, Phoenix, AZ 85008.

2. Plaintiff Semiconductor Components, a Delaware limited liability company with its principal place of business at 5005 East McDowell Road, Phoenix, AZ 85008, is the principal domestic operating subsidiary of ON Semiconductor, and does business under the name of ON Semiconductor.

3. On information and belief, Defendant Samsung Electronics Co., Ltd. ("SEC") is a corporation organized and existing under the laws of Republic of Korea with its principal place of business at Samsung Main Building, 250, Taepyong-ro 2-ka, Chung-ku, Seoul 100-742, South Korea. On information and belief, SEC manufactures and, in cooperation with its subsidiaries, markets throughout the world, including in this district and elsewhere in the United States, a variety of semiconductor products including dynamic random access memory ("DRAM") devices.

4. Defendant Samsung Electronics America, Inc. ("SEA") is a New York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. On information and belief, SEA is a subsidiary of SEC and sells and otherwise markets, in this district and elsewhere in the United States, a variety of electronic and semiconductor products

5. Defendant Samsung Telecommunications America General, L.L.C. ("STA") is a Delaware limited liability company with its principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082. On information and belief, STA is a subsidiary of SEC and sells and otherwise markets, in this district and elsewhere in the United States, a variety of electronic and semiconductor products.

6. Defendant Samsung Semiconductor, Inc. ("SSI") is a California corporation with its principal place of business at 3655 North First Street, San Jose, California 95134. On

information and belief, SSI is a subsidiary of SEC and sells and otherwise markets, in this district and elsewhere in the United States, a variety of electronic and semiconductor products.

7. On information and belief, Defendant Samsung Austin Semiconductor, L.L.C. (“SAS”) is a Delaware limited liability company with its principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754. On information and belief, SAS is a subsidiary of SEC and sells and otherwise markets, in this district and elsewhere in the United States, a variety of semiconductor products including DRAM devices.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

9. This Court has personal jurisdiction over each of the Defendants. The Defendants have had minimum contacts with this forum as a result of business regularly conducted within the State of Texas and within this district and specifically as a result of, at least, the Defendants’ distribution network wherein Defendants place their products that infringe Semiconductor Component’s patents within the stream of commerce, which stream is directed at this district as well as Texas, and by committing the tort of patent infringement and/or contributing to or inducing acts of patent infringement by others within Texas and this district.

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendants have regularly conducted business in this judicial district and certain of the acts complained of herein occurred in this judicial district.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,563,594

11. The allegations contained in paragraphs 1 through 10 are incorporated by reference as if fully set herein.

12. United States Patent No. 5,563,594 (“the ‘594 patent”), entitled “Circuit and Method of Timing Data Transfers,” was duly and legally issued by the United States Patent and Trademark Office on October 8, 1996. Plaintiffs hold all right and interest in the ‘594 patent, including the right to sue for past, present and future infringement. A copy of the ‘594 patent is attached hereto as Exhibit A.

13. Defendants are infringing the ‘594 patent under one or more sections of 35 U.S.C. § 271 in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of product(s) falling within the scope of one or more claims of the ‘594 patent.

14. On information and belief, Defendants also contribute to and/or induce the infringement of at least one claim of the ‘594 patent.

15. Plaintiffs have been damaged by Defendants’ infringement of the ‘594 patent. Plaintiffs are entitled to recover from each of the Defendants the damages sustained by them as a result of each of the Defendants’ wrongful acts.

16. Defendants’ infringement of Semiconductor Component’s exclusive rights under the ‘594 patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless each of the Defendants is enjoined by this Court.

17. Defendants have had actual knowledge of the ‘594 patent and their infringement is deliberate and willful, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,362,644

18. The allegations contained in paragraphs 1 through 17 are incorporated by reference as if fully set herein.

19. United States Patent No. 6,362,644 (“the ‘644 patent”), entitled “Programmable Termination for Integrated Circuits,” was duly and legally issued by the United States Patent and Trademark Office on March 26, 2002. Plaintiffs hold all right and interest in the ‘644 patent, including the right to sue for past, present and future infringement. A copy of the ‘644 patent is attached hereto as Exhibit B.

20. Defendants are infringing the ‘644 patent under one or more sections of 35 U.S.C. § 271 in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of product(s) falling within the scope of one or more claims of the ‘644 patent.

21. On information and belief, Defendants also contribute to and/or induce the infringement of at least one claim of the ‘644 patent.

22. Plaintiffs have been damaged by Defendants’ infringement of the ‘644 patent. Plaintiffs are entitled to recover from each of the Defendants the damages sustained by Plaintiffs as a result of each of the Defendants’ wrongful acts.

23. Defendants’ infringement of Semiconductor Component’s exclusive rights under the ‘644 patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless each of the Defendants is enjoined by this Court.

24. Defendants have had actual knowledge of the ‘644 patent and their infringement is deliberate and willful, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 5,361,001

25. The allegations contained in paragraphs 1 through 24 are incorporated by reference as if fully set herein.

26. United States Patent No. 5,361,001 (“the ‘001 patent”), entitled “Circuit and Method of Previewing Analog Trimming,” was duly and legally issued by the United States Patent and Trademark Office on November 1, 1994. Plaintiffs hold all right and interest in the ‘001 patent, including the right to sue for past, present and future infringement. A copy of the ‘001 patent is attached hereto as Exhibit C.

27. Defendants are infringing the ‘001 patent under one or more sections of 35 U.S.C. § 271 in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of product(s) falling within the scope of one or more claims of the ‘001 patent.

28. On information and belief, Defendants also contribute to and/or induce the infringement of at least one claim of the ‘001 patent.

29. Plaintiffs have been damaged by Defendants’ infringement of the ‘001 patent. Plaintiffs are entitled to recover from each of the Defendants the damages sustained by Plaintiffs as a result of each of the Defendants’ wrongful acts.

30. Defendants’ infringement of Semiconductor Component’s exclusive rights under the ‘001 patent will continue to damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at law, unless each of the Defendants is enjoined by this Court.

31. Defendants have had actual knowledge of the ‘001 patent and their infringement is deliberate and willful, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 5,000,827

32. The allegations contained in paragraphs 1 through 31 are incorporated by reference as if fully set herein.

33. United States Patent No. 5,000,827 (“the ‘827 patent”), entitled “Method and Apparatus for Adjusting Plating Solution Flow Characteristics at Substrate Cathode Periphery to Minimize Edge Effect,” was duly and legally issued by the United States Patent and Trademark Office on March 19, 1991. Plaintiffs hold all right and interest in the ‘827 patent, including the right to sue for past, present and future infringement. A copy of the ‘827 patent is attached hereto as Exhibit D.

34. Defendants are infringing the ‘827 patent under one or more sections of 35 U.S.C. § 271 in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of product(s) falling within the scope of one or more claims of the ‘827 patent.

35. On information and belief, Defendants also contribute to and/or induce the infringement of at least one claim of the ‘827 patent.

36. Plaintiffs have been damaged by Defendants’ infringement of the ‘827 patent. Plaintiffs are entitled to recover from each of the Defendants the damages sustained by Plaintiffs as a result of each of the Defendants’ wrongful acts.

37. Defendants’ infringement of Semiconductor Component’s exclusive rights under the ‘827 patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless each of the Defendants is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment in its favor against each of the Defendants, and requests the following relief:

- A. An adjudication that Defendants have infringed, contributed to the infringement of, and/or induced infringement of the '594, '644, '001, and '827 patents;
- B. An adjudication that the '594, '644, '001, and '827 patents are valid and enforceable;
- C. An accounting of all damages sustained by Plaintiffs as a result of Defendants' acts of infringement;
- D. An award to Plaintiffs of actual damages adequate to compensate them for Defendants' acts of direct, contributory, and/or inducement of infringement, together with prejudgment and post-judgment interest and costs;
- E. An award to Plaintiffs of enhanced damages, up to and including trebling of Plaintiffs' damages, pursuant to 35 U.S.C. § 284 for Defendants' willful infringement;
- F. A preliminary and permanent injunction order against further infringement of the '594, '644, '001 and '827 patents by each of the Defendants, their officers, agents, servants, employees, subsidiaries, and those persons acting in concert with it, including related individuals and entities, customers, representatives, manufacturers, OEMs, dealers, and distributors;
- G. An award to Plaintiffs their costs and reasonable attorney fees incurred in this action as provided by 35 U.S.C. § 285; and
- H. That the Court award such other relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury on all issues and claims so triable.

Date: December 4, 2006

Respectfully submitted,



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