

1 ALAN H. BLANKENHEIMER (Bar No. 218713)  
 2 alan.blankenheimer@hellerehrman.com  
 3 LAURA E. UNDERWOOD-MUSCHAMP (Bar No. 228717)  
 4 laura.muschamp@hellerehrman.com  
 5 JO DALE CAROTHERS (Bar No. 228703)  
 6 jodale.carothers@hellerehrman.com  
 7 HELLER EHRMAN LLP  
 8 4350 La Jolla Village Drive, 7th Floor  
 9 San Diego, CA 92122-1246  
 10 Telephone: +1 (858) 450-8400  
 11 Facsimile: +1 (858) 450-8499

12 Attorneys for Plaintiff  
 13 MAXIM INTEGRATED PRODUCTS, INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 MAXIM INTEGRATED PRODUCTS, INC.,  
 18 Plaintiff,  
 19 v.  
 20 FREESCALE SEMICONDUCTOR, INC.,  
 21 Defendant.

Case No. CV 08-00979-MHP

**AMENDED COMPLAINT FOR  
 DECLARATORY JUDGMENT  
 AND DEMAND FOR JURY TRIAL**

22 Pursuant to the parties’ agreement to narrow the scope of the present dispute, filed  
 23 with the Court on April 28, 2008, Plaintiff Maxim Integrated Products, Inc. (“Maxim”), for  
 24 its Amended Complaint against Defendant Freescale Semiconductor, Inc. (“Freescale”),  
 25 avers as follows:

**PARTIES**

26 1. Plaintiff Maxim is a corporation organized and existing under the laws of the  
 27 state of Delaware, with its principal place of business at 120 San Gabriel Drive, Sunnyvale,  
 28 California 94086.

1 2. On information and belief, Defendant Freescale is a corporation organized  
2 and existing under the laws of Delaware, with its principal place of business at 6501  
3 William Cannon Drive West, Austin, Texas 78735, which does business in this District and  
4 elsewhere in the State of California.

### 5 JURISDICTION AND VENUE

6 3. This action seeks a declaratory judgment under the Declaratory Judgment Act,  
7 28 U.S.C. §§2201 and 2202. It presents an actual case or controversy under Article III of  
8 the United States Constitution and serves a useful purpose in clarifying and settling the legal  
9 rights at issue.

10 4. Freescale claims to own the following patents (collectively, “the Freescale  
11 patents”):

12 U.S. Patent No. 5,089,722 (“the ‘722 patent”) entitled “High speed output buffer  
13 circuit with overlap current control,” a true and correct copy of which is  
14 attached as Exhibit A,

15 U.S. Patent No. 5,105,250 (“the ‘250 patent”) entitled “Heterojunction bipolar  
16 transistor with a thin silicon emitter,” a true and correct copy of which is  
17 attached as Exhibit B,

18 U.S. Patent No. 5,172,214 (“the ‘214 patent”) entitled “Leadless semiconductor  
19 device and method for making the same,” a true and correct copy of which is  
20 attached as Exhibit C,

21 U.S. Patent No. 5,200,362 (“the ‘362 patent”) entitled “Method of attaching  
22 conductive traces to an encapsulated semiconductor die using a removable  
23 transfer film,” a true and correct copy of which is attached as Exhibit D,

24 U.S. Patent No. 5,434,739 (“the ‘739 patent”) entitled “Reverse battery protection  
25 circuit,” a true and correct copy of which is attached as Exhibit E,

26 U.S. Patent No. 5,476,816 (“the ‘816 patent”) entitled “Process for etching an  
27 insulating layer after a metal etching step,” a true and correct copy of which is  
28 attached as Exhibit F, and

1 U.S. Patent No. 5,776,798 (“the ‘798 patent”) entitled Semiconductor package and  
2 method thereof,” a true and correct copy of which is attached as Exhibit G.

3 5. Maxim seeks a judgment against Freescale that the accused Maxim products  
4 and processes have not infringed and do not infringe the asserted claims of the Freescale  
5 patents and/or that these claims are invalid and/or unenforceable.

6 6. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§  
7 1331 and 1338(a) because the action arises under the patent laws of the United States, 35  
8 U.S.C. §1 et seq.

9 7. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b) and (c).

#### 10 **INTRADISTRICT ASSIGNMENT**

11 8. This action is an intellectual property case and pursuant to Civil L.R. 3.2(c), it  
12 should be assigned on a districtwide basis.

#### 13 **GENERAL ALLEGATIONS**

14 9. Maxim manufactures and sells various semiconductor devices or integrated  
15 circuits.

16 10. On November 16, 2005, Freescale provided a book of patent claim charts to  
17 Maxim alleging that Maxim and/or Maxim devices infringe various patents, including the  
18 ‘722 patent, the ‘250 patent, the ‘739 patent, the ‘816 patent, and the ‘798 patent (“the first  
19 set of Freescale patents”).

20 11. In a subsequent letter dated July 14, 2006, Freescale specifically stated its  
21 claim charts previously provided for the first set of Freescale patents “provide notice to  
22 Maxim regarding infringement of [the first set of] Freescale patents by Maxim products.”  
23 With this letter, Freescale also provided ten new claim charts, including charts for the ‘214  
24 patent and the ‘362 patent (“the second set of Freescale patents”), which Freescale alleged  
25 “provide notice of [] new patents to Maxim, and identify new Maxim products.”

26 12. Freescale asserts that Maxim infringes the Freescale patents and needs a  
27 license to these patents, but Maxim disagrees. Maxim and Freescale met via conference call  
28 on August 8, 2007, November 30, 2007, and January 7, 2008, and in person on February 15,

1 2008, in an attempt to resolve the dispute.

2 13. Maxim and Freescale have been unable to reach any agreement with respect  
3 to Freescale's patent infringement allegations. Those discussions are now at an impasse.

4 14. Maxim is not liable for infringing any asserted claim of the Freescale patents  
5 because each such claim is invalid, the accused Maxim products and processes have not  
6 infringed any such valid claim, and/or the asserted claims are unenforceable.

7 15. Accordingly, there is an actual, substantial and continuing justiciable  
8 controversy between Maxim and Freescale regarding the validity and enforceability of the  
9 Freescale patents and regarding alleged infringement of the Freescale patents by Maxim or  
10 by use of Maxim's products and processes.

11 **FIRST CLAIM FOR RELIEF**

12 **Declaratory Relief — the '722 Patent**

13 16. Maxim incorporates by reference each and every allegation set forth in  
14 paragraphs 1-15 of the Complaint.

15 17. Maxim seeks and is entitled to a declaration that its accused products and/or  
16 processes do not directly or indirectly infringe any asserted claim of the '722 patent and/or  
17 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
18 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
19 States Code.

20 **SECOND CLAIM FOR RELIEF**

21 **Declaratory Relief — the '250 Patent**

22 18. Maxim incorporates by reference each and every allegation set forth in  
23 paragraphs 1-17 of the Complaint.

24 19. Maxim seeks and is entitled to a declaration that its accused products and/or  
25 processes do not directly or indirectly infringe any asserted claim of the '250 patent and/or  
26 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
27 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
28 States Code.

1 **THIRD CLAIM FOR RELIEF**

2 **Declaratory Relief — the ‘214 Patent**

3 20. Maxim incorporates by reference each and every allegation set forth in  
4 paragraphs 1-19 of the Complaint.

5 21. Maxim seeks and is entitled to a declaration that its accused products and/or  
6 processes do not directly or indirectly infringe any asserted claim of the ‘214 patent and/or  
7 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
8 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
9 States Code.

10 **FOURTH CLAIM FOR RELIEF**

11 **Declaratory Relief — the ‘362 Patent**

12 22. Maxim incorporates by reference each and every allegation set forth in  
13 paragraphs 1-21 of the Complaint.

14 23. Maxim seeks and is entitled to a declaration that its accused products and/or  
15 processes do not directly or indirectly infringe any asserted claim of the ‘362 patent and/or  
16 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
17 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
18 States Code.

19 **FIFTH CLAIM FOR RELIEF**

20 **Declaratory Relief — the ‘739 Patent**

21 24. Maxim incorporates by reference each and every allegation set forth in  
22 paragraphs 1-23 of the Complaint.

23 25. Maxim seeks and is entitled to a declaration that its accused products and/or  
24 processes do not directly or indirectly infringe any asserted claim of the ‘739 patent and/or  
25 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
26 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
27 States Code.

1 **SIXTH CLAIM FOR RELIEF**

2 **Declaratory Relief — the ‘816 Patent**

3 26. Maxim incorporates by reference each and every allegation set forth in  
4 paragraphs 1-25 of the Complaint.

5 27. Maxim seeks and is entitled to a declaration that its accused products and/or  
6 processes do not directly or indirectly infringe any asserted claim of the ‘816 patent and/or  
7 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
8 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
9 States Code.

10 **SEVENTH CLAIM FOR RELIEF**

11 **Declaratory Relief — the ‘798 Patent**

12 28. Maxim incorporates by reference each and every allegation set forth in  
13 paragraphs 1-27 of the Complaint.

14 29. Maxim seeks and is entitled to a declaration that its accused products and/or  
15 processes do not directly or indirectly infringe any asserted claim of the ‘798 patent and/or  
16 that each such claim is invalid and/or unenforceable for failure to meet one or more of the  
17 conditions of patentability set forth in §§ 101, 102, 103 and 112 of Title 35 of the United  
18 States Code.

19 **PRAYER FOR RELIEF**

20 Wherefore, Maxim prays for relief as follows:

21 1. On Maxim’s First through Seventh Claims for Relief:

22 (a) For a declaratory judgment that Maxim’s accused products and processes do  
23 not infringe, contributorily infringe or induce infringement of, and have never infringed,  
24 contributorily infringed or induced infringement of, one or more claims of the Freescale  
25 patents;

26 (b) For a declaratory judgment that one or more claims of the Freescale Patents  
27 are invalid and/or that one or more of the Freescale Patents are unenforceable;

28 (c) For the Court to declare this to be an exceptional case within the meaning of

- 1 35 U.S.C. § 285, entitling Maxim to an award of its reasonable attorneys' fees in this action;  
2 (d) For an award to Maxim of all costs and expenses of this action; and  
3 (d) For such other and further relief as the Court may deem just and proper.

4  
5 April 30, 2008

Respectfully submitted,

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7 HELLER EHRMAN LLP

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9 By s/Alan H. Blankenheimer  
10 ALAN H. BLANKENHEIMER (BAR NO. 218713)  
11 LAURA E. UNDERWOOD-MUSCHAMP (BAR  
12 NO. 228717)  
13 JO DALE CAROTHERS (BAR NO. 228703)

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15 Attorneys for Plaintiff  
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**DEMAND FOR JURY TRIAL**

Plaintiff Maxim demands a jury trial on all issues triable of right by jury.

April 30, 2008

Respectfully submitted,

HELLER EHRMAN LLP

By s/Alan H. Blankenheimer  
ALAN H. BLANKENHEIMER (BAR NO. 218713)  
LAURA E. UNDERWOOD-MUSCHAMP (BAR  
NO. 228717)  
JO DALE CAROTHERS (BAR NO. 228703)

Attorneys for Plaintiff  
MAXIM INTEGRATED PRODUCTS, INC.



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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 30<sup>th</sup> day of April 2008, with a copy of this document via the Court’s CM/ECF system. Any other counsel of record will be served by electronic mail on this same date.

Douglas A. Cawley  
McKool Smith PC  
300 Crescent Court  
Suite 1200  
Dallas, TX 75201  
214-978-4000  
Fax: 214-978-4044  
Email: dcawley@mckoolsmith.com

Robert M. Manley  
McKool Smith, P.C.  
300 Crescent Court  
Suite 1200  
Dallas, TX 75201  
214-978-4000  
Fax: 214-978-4044  
Email: rmanley@mckoolsmith.com

Charles M. Kagay  
Spiegel Liao & Kagay, LLP  
388 Market Street  
Suite 900  
San Francisco, CA 94111  
415-956-5959  
Fax: 415-362-1431  
Email: cmk@slksf.com

By s/Alan H. Blankenheimer  
ALAN H. BLANKENHEIMER  
Attorney for Plaintiff  
MAXIM INTEGRATED PRODUCTS, INC.