

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FAIRCHILD SEMICONDUCTOR)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
INFINEON TECHNOLOGIES AG and)	
INFINEON TECHNOLOGIES NORTH)	
AMERICA CORPORATION,)	
Defendants.)	
_____)	

COMPLAINT FOR PATENT INFRINGEMENT
(INJUNCTIVE RELIEF REQUESTED)
(JURY TRIAL DEMANDED)

Plaintiff Fairchild Semiconductor Corporation (“Fairchild”), by its undersigned counsel, brings this action against defendants Infineon Technologies AG and Infineon Technologies North America Corporation (referred to jointly herein as “Infineon”) for patent infringement and other relief. In support of its complaint, Fairchild alleges as follows:

Nature of this Action

1. Fairchild has filed this action to resolve a dispute with Infineon over infringement of two Fairchild patents. Fairchild seeks damages and a permanent injunction against Infineon’s continued infringement.

The Parties

2. Plaintiff Fairchild is a corporation duly organized and existing under the laws of the State of Delaware and has its principal place of business in South Portland, Maine.

3. Fairchild is informed and believes, and on that basis alleges, that Defendant Infineon Technologies AG is a corporation organized and existing under the laws of the Federal Republic of Germany with a principal place of business in Munich, Germany, and has business operations in Milpitas, California; Durham, North Carolina; Livonia, Michigan; Hopewell

Junction, New York; Allentown, Pennsylvania; and other locations in the United States.

4. Fairchild is informed and believes, and on that basis alleges, that Defendant Infineon Technologies North America Corporation is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business in Milpitas, California.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§1 *et seq.*

6. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) as Infineon has done business in this district, has committed acts of infringement in this district, and continues to commit acts of infringement in this district, entitling Fairchild to relief.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,344,943

7. Fairchild incorporates by reference and realleges paragraphs 1-6.

8. On March 18, 2008, United States Patent No. 7,344,943 (“the ‘943 patent”) was duly and legally issued for an invention entitled “Method for Forming a Trench MOSFET Having Self-Aligned Features.” Fairchild is the assignee of the ‘943 patent and continues to hold all rights and interest in the ‘943 patent. A copy of the ‘943 patent is attached hereto as Exhibit A.

9. Defendants have directly, indirectly, contributorily, and/or by inducement infringed and continues to infringe the ‘943 patent by its manufacture, use, sale, importation, and/or offer for sale of certain products, including without limitation, Infineon power transistors. Defendants are liable for its infringement of the ‘943 patent pursuant to 35 U.S.C. §271.

10. Infineon’s acts of infringement have caused damage to Fairchild, and Fairchild is entitled to recover from Infineon the damages sustained as a result of Infineon’s wrongful acts in an amount subject to proof at trial. Infineon’s infringement of Fairchild’s exclusive rights under the ‘943 patent will continue to cause damage to Fairchild, causing irreparable harm for which

there is no adequate remedy at law unless enjoined by this Court.

11. Upon information and belief, Infineon's infringement of the '943 patent is willful and deliberate, entitling Fairchild to increased damages under 35 U.S.C. §284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,429,481

12. Fairchild incorporates by reference and realleges paragraphs 1-6.

13. On August 6, 2002, United States Patent No. 6,429,481 ("the '384 patent") was duly and legally issued for an invention entitled "Field Effect Transistor and Method of its Manufacture." Fairchild is the assignee of the '481 patent and continues to hold all rights and interest in the '481 patent. A copy of the '481 patent is attached hereto as Exhibit B.

14. Defendants have directly, indirectly, contributorily, and/or by inducement infringed and continues to infringe the '481 patent by its manufacture, use, sale, importation, and/or offer for sale of certain products, including without limitation, Infineon power transistors. Defendants are liable for its infringement of the '481 patent pursuant to 35 U.S.C. §271.

15. Infineon's acts of infringement have caused damage to Fairchild, and Fairchild is entitled to recover from Infineon the damages sustained as a result of Infineon's wrongful acts in an amount subject to proof at trial. Infineon's infringement of Fairchild's exclusive rights under the '481 patent will continue to cause damage to Fairchild, causing irreparable harm for which there is no adequate remedy at law unless enjoined by this Court.

16. Upon information and belief, Infineon's infringement of the '481 patent is willful and deliberate, entitling Fairchild to increased damages under 35 U.S.C. §284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

Prayer for Relief

WHEREFORE, plaintiff Fairchild requests entry of judgment in its favor and against defendant Infineon as follows:

- (a) A declaration that defendants have infringed, and are infringing, U.S. Patent Nos. 7,344,943 and 6,429,481;
- (b) A permanent injunction enjoining defendants and their officers, agents, employees, subsidiaries, and those acting in privity or concert with them, including related individuals and entities, customers, representatives, dealers, distributors, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 7,344,943 and 6,429,481;
- (c) An award of damages arising out of defendants' infringement of U.S. Patent Nos. 7,344,943 and 6,429,481, including enhanced damages pursuant to 35 U.S.C. §284, together with prejudgment and post-judgment interest, in an amount according to proof;
- (d) An award of attorneys' fees pursuant to 35 U.S.C. §285 or as otherwise permitted by law; and
- (e) Costs of suit and such other and further relief as the Court deems just and proper.

DATED: November 28, 2008

Respectfully submitted,

/s/ Robert H. Stier, Jr.
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DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable.

/s/ Robert H. Stier, Jr.
Robert H. Stier, Jr.