

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLASMA PHYSICS CORPORATION and)	
SOLAR PHYSICS CORPORATION,)	Civil Action No. <u>08 cv 1629</u>
)	
Plaintiffs,)	
)	DEMAND FOR JURY TRIAL
v.)	
)	
INNOLUX DISPLAY CORPORATION and)	
INNOLUX CORPORATION,)	
)	
Defendants.)	

AMENDED COMPLAINT

Plaintiffs Plasma Physics Corporation (“Plasma Physics”) and Solar Physics Corporation (“Solar Physics”) for their complaint allege as follows:

JURISDICTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §1 *et seq.*, including § 271. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

VENUE

2. Venue in the Eastern District of New York is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

PARTIES

3. Plaintiff, Plasma Physics, is a New York corporation with its principal place of business at 40 Overlook Road, Locust Valley, New York 11560, within this judicial district.

4. Plaintiff, Solar Physics, is a New York corporation with its principal place of business at 40 Overlook Road, Locust Valley New York 11560, within this judicial district.

5. Upon information and belief, defendant Innolux Display Corporation (“Innolux Display”) is a corporation organized under the laws of Taiwan, with its principal place of business at No. 160 Kesyue Rd., Chu-Nan Site, Taiwan. Innolux manufactures LCD modules in Taiwan, and, on information and belief, directs those products to the United States, including the Eastern District of New York, through established distribution channels involving various third parties, knowing that these third parties will use their respective nationwide contacts and distribution channels to import into, sell, offer for sale, and/or use the LCD modules and LCD products, incorporating said modules in the Eastern District of New York and elsewhere in the United States.

6. Upon information and belief, defendant Innolux Corporation. (“Innolux”) is a corporation organized under the laws of the State of Texas, with its principal place of business at 2525 Brockton Dr., Austin, Texas. Upon information and belief, Innolux Corp. sells Innolux LCD modules and LCD products in the United States, including the Eastern District of New York, through established distribution channels involving various third parties, knowing that these third parties will use their respective nationwide contacts and distribution channels to offer for sale, sell, and/or use the LCD modules and LCD products, incorporating said modules in the Eastern District of New York and elsewhere in the United States.

THE PATENTS IN SUIT

7. Plaintiffs incorporate by reference paragraphs 1-6 of this complaint and realleges them as though fully set forth herein.

8. United States Patent No. 5,470,784 (“the ’784 patent”) entitled “Method of Forming Semiconducting Materials and Barriers Using a Multiple Chamber Arrangement” (Exhibit 1) duly and legally issued to Plasma Physics on November 28, 1995, based upon an application

filed on September 23, 1992, by John H. Coleman. Plasma Physics is the owner of title to the '784 patent and has the right to recover for past infringement thereof with respect to the following subject matter areas: apparatus for performing plasma chemical vapor coating or plasma chemical vapor etching of disc-shaped wafers made of single crystal silicon, polycrystal silicon, single crystal III-V compounds or polycrystal III-V compounds; disc-shaped wafers made with such apparatus by plasma chemical vapor coating or plasma chemical vapor etching; and processes in combination with such apparatus (hereinafter "the Excluded Subject Matter"). Solar Physics is the exclusive licensee of the '784 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

9. United States Patent No. 5,543,634 ("the '634 patent") entitled "Method of Forming Semiconducting Materials and Barriers" (Exhibit 2) duly and legally issued to Plasma Physics on August 6, 1996, based upon an application filed on June 2, 1994, by John H. Coleman. Plasma Physics is the owner of title to the '634 patent and has the right to recover for past infringement thereof in the areas of the Excluded Subject Matter. Solar Physics is the exclusive licensee of the '634 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

10. United States Patent No. 6,245,648 ("the '648 patent") entitled "Method of Forming Semiconducting Materials and Barriers" (Exhibit 3) duly and legally issued to Plasma Physics on June 12, 2001, based upon an application filed on May 18, 1995, by John H. Coleman. Plasma Physics is the owner of title to the '648 patent and has the right to recover for past infringement thereof in the areas of the Excluded Subject Matter. Solar Physics is the exclusive licensee of the '648 patent and has the right to recover for past infringement thereof in all areas except the Excluded Subject Matter.

11. Plasma Physics and Solar Physics have licensed their patented technology worldwide to numerous manufacturers, including Motorola, Inc.; Jazz Semiconductor, Inc.; Koninklijke Philips Electronics N.V.; Oki Electric Industry Co., Ltd.; Sharp Corporation; NEC Corporation; Toshiba Corporation; Matsushita Electric Industrial Co. Ltd.; Sony Corporation; International Business Machines; Hitachi, Ltd.; TDK Corporation; National Semiconductor Corporation; Micron Technology, Inc.; LSI Logic; Contexant Systems, Inc.; Texas Instruments Corporation; Advanced Micro Devices, Inc.; Mitsubishi Electric Corporation; Intel Corporation; Fujitsu Limited; Hyundai Electronics Industries Co.; Samsung Electronics Co.; Sanyo Electric Co., Ltd.; L.G. Philips LCD, Ltd.; Kyocera Corporation; Canon Inc.; Agere Systems Inc.; ST Microelectronics Inc.; Analog Devices Inc.; Agilent Technologies, Inc.; and Chunghwa Picture Tubes, Ltd.

CLAIMS FOR PATENT INFRINGEMENT

12. Upon information and belief, defendants Innolux Display and Innolux have infringed, and continue to infringe, one or more claims of the '784 and '648 patents in violation of 35 U.S.C. §§ 271(a), (b) and/or (g) by making, using, offering to sell and/or selling in the United States, and/or importing into the United States semiconductor devices made by processes claimed in one or more claims of the '784 and '648 patents, including, but not limited to, TFT-LCD modules and/or components thereof manufactured using Applied Komatsu Technologies PECVD or similar equipment, and/or by actively and knowingly inducing the direct infringement of one or more claims of the '784 and '648 patents by others in the United States with the specific intent to encourage the infringement.

13. Upon information and belief, defendants Innolux Display and Innolux have infringed, and continue to infringe, one or more claims of the '634 patent in violation of 35

U.S.C. §§ 271(a) and/or (b) by making, using, offering to sell and/or selling in the United States, and/or importing into the United States semiconductor devices claimed in one or more claims of the '634 patent, including, but not limited to, TFT-LCD modules and/or components thereof manufactured using Applied Komatsu Technologies PECVD or similar equipment, and/or by actively and knowingly inducing the direct infringement of one or more claims of the '634 patent by others in the United States with the specific intent to encourage the infringement.

14. The infringement by defendants Innolux Display and Innolux of the patents-in-suit has injured plaintiffs and will cause plaintiffs added irreparable injury and damage in the future unless defendants are enjoined from infringing said patents.

15. Defendants Innolux Display and Innolux have had for sometime actual knowledge of the patents-in-suit and have willfully, deliberately, and intentionally infringed the claims of said patents.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, Plasma Physics and Solar Physics, pray for judgment and relief against defendants Innolux Display and Innolux, including:

- A. Adjudging each of the '784, '648 and '634 patents to be valid and enforceable;
- B. Adjudging that defendants Innolux Display and Innolux are infringing and have infringed, and have contributed to and induced infringement of said patents;
- C. Permanently enjoining defendants Innolux Display and Innolux, and their officers, agents, servants, employees, attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of injunction, including distributors and customers, from continuing acts of infringement of the '784, '648 and '634 patents pursuant to 35 U.S.C. §283.

D. Adjudging that an accounting be had for damages caused by defendants Innolux Display and Innolux's infringement, together with prejudgment and post-judgment interest;

E. Adjudging that defendants Innolux Display and Innolux are willful infringers and trebling the aforesaid damages pursuant to 35 U.S.C. § 284.

F. Adjudging that this case is exceptional and awarding plaintiffs, Plasma Physics and Solar Physics, their costs, expenses, and reasonable attorney's fees pursuant to 35 U.S.C. § 285; and

G. Such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs, Plasma Physics and Solar Physics, hereby demand a trial by jury.

Dated: July 17, 2008

/s/ Neil P. Sirota

Neil P. Sirota NPS 3870

Paul A. Ragusa PAR 9165

Karen Wuertz KW 2853

Robert L. Maier RLM 2930

BAKER BOTTS L.L.P.

30 Rockefeller Plaza

New York, NY 10112

(212) 408-2500

Attorneys for Plaintiffs

Plasma Physics Corporation

Solar Physics Corporation

OF COUNSEL:

Robert Neuner RN 5287

BAKER BOTTS L.L.P.

30 Rockefeller Plaza

New York, NY 10112

(212) 408-2500