

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

THIRD DIMENSION SEMICONDUCTOR, INC.,	§	
	§	
	§	
Plaintiff,	§	Civil Action No. 6:08-CV-129-LED
	§	
v.	§	JURY DEMANDED
	§	
INFINEON TECHNOLOGIES NORTH AMERICA CORP.,	§	
INFINEON TECHNOLOGIES AG, and	§	
INFINEON TECHNOLOGIES HOLDING NORTH AMERICA, INC.,	§	
	§	
Defendants.	§	

PLAINTIFF’S’ FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Third Dimension Semiconductor, Inc. through counsel, hereby demands a jury trial and brings this action for patent infringement against Defendants Infineon Technologies North America Corp., Infineon Technologies AG, and Infineon Technologies Holding North America, Inc. (collectively, “Defendants” or “Infineon”) as follows:

THE PARTIES

1. Plaintiff Third Dimension Semiconductor, Inc. (“Third Dimension”) is a Texas corporation that maintains a principal place of business in Tempe, Arizona.

2. Defendant Infineon Technologies North America Corp. (“Infineon North America”) is a Delaware corporation that maintains its principal place of business at 640 North McCarthy Blvd., Milpitas, California 95035. Infineon North America is authorized to do business in Texas and may be served with process by serving its registered agent, CT Corporation System, 350 St. Paul Street, Dallas, Texas 75201.

3. Defendant Infineon Technologies AG (“Infineon AG”) is incorporated under the laws of the Federal Republic of Germany and maintains its principal place of business at Am Campeon 1-12, 85579 Neubiberg/Munich, Germany. Defendants Infineon North America and Infineon AG are commonly owned by the same corporate entity and are alter egos and/or agents of one another. Infineon AG may be served with process by serving Infineon North America’s registered agent, CT Corporation System, 350 St. Paul Street, Dallas, Texas 75201.

4. Defendant Infineon Technologies Holding North America Inc. (“Infineon Holding”) is a Delaware corporation that maintains its principal place of business in Wilmington, Delaware. Infineon Holding may be served with process by serving its registered agent, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court is proper under 35 U.S.C. § 271 *et seq.* and 28 U.S.C. § 1338.

6. Personal jurisdiction exists generally over each of the Defendants because each has sufficient minimum contacts with this forum as a result of business regularly conducted in the State of Texas and within this judicial district. Personal jurisdiction also exists specifically over the Defendants as a result of, at least, the Defendants’ distribution network wherein the Defendants place their power semiconductor products that infringe Third Dimension’s patents within the stream of commerce, which stream is directed at this district, and by committing the tort of patent infringement within this district.

7. Venue is proper in this Court under 28 U.S.C. §§ 1391(c) and (d) as well as 28 U.S.C. § 1400(b).

INFRINGEMENT OF UNITED STATES PATENT NO. 5,216,275

8. Third Dimension is the owner of United States Patent No. 5,216,275 (“‘275 Patent”), titled “Semiconductor Power Devices with Alternating Conductivity Type High-Voltage Breakdown Regions.” A true and correct copy of the ‘275 Patent is attached hereto as Exhibit A. The ‘275 Patent is valid and enforceable.

9. Defendants have infringed and are infringing, literally and/or under the doctrine of equivalents, one or more claims of the ‘275 Patent, directly and/or indirectly, in violation of 35 U.S.C. § 271, by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including power semiconductor devices under the name “CoolMOS” that embody the invention patented within the ‘275 Patent. On information and belief, Defendants have actively induced and/or contributed to infringement of the ‘275 Patent by others. The infringing products have no substantial non-infringing uses. Defendants will continue to infringe the ‘275 Patent unless enjoined by this Court.

10. The allegations of infringement set forth in the paragraph above do not apply to the power semiconductor devices identified in the Stipulation attached hereto as Exhibit B.

11. Upon information and belief, Defendants’ infringement of the ‘275 Patent is willful.

INFRINGEMENT OF UNITED STATES PATENT NO. 6,635,906

12. Third Dimension is the owner of United States Patent No. 6,635,906 (“‘906 Patent”), titled “Voltage Sustaining Layer with Opposite-Doped Islands for Semiconductor Power Devices.” A true and correct copy of the ‘906 Patent is attached hereto as Exhibit C. The ‘906 Patent is valid and enforceable.

13. Defendants have infringed and are infringing, literally and/or under the doctrine of equivalents, one or more claims of the '906 Patent, directly and/or indirectly, in violation of 35 U.S.C. § 271, by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including power semiconductor devices under the name "CoolMOS" that embody the invention patented within the '906 Patent. On information and belief, Defendants have actively induced and/or contributed to infringement of the '906 Patent by others. The infringing products have no substantial non-infringing uses. Defendants will continue to infringe the '906 Patent unless enjoined by this Court.

14. Upon information and belief, Defendants' infringement of the '906 Patent is willful.

INFRINGEMENT OF UNITED STATES PATENT NO. 6,936,867

15. Third Dimension is the owner of United States Patent No. 6,936,867 ("867 Patent"), titled "Semiconductor High-Voltage Devices." A true and correct copy of the '867 Patent is attached hereto as Exhibit D. The '867 Patent is valid and enforceable.

16. Defendants have infringed and are infringing, literally and/or under the doctrine of equivalents, one or more claims of the '867 Patent, directly and/or indirectly, in violation of 35 U.S.C. § 271, by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including power semiconductor devices under the name "CoolMOS" that embody the invention patented within the '867 Patent. On information and belief, Defendants have actively induced and/or contributed to infringement of the '867 Patent by others. The infringing products have no substantial non-infringing uses. Defendants will continue to infringe the '867 Patent unless enjoined by this Court.

17. Upon information and belief, Defendants' infringement of the '867 Patent is willful.

INFRINGEMENT OF UNITED STATES PATENT NO. 7,227,197

18. Third Dimension is the owner of United States Patent No. 7,227,197 ("197 Patent"), titled "Semiconductor High Voltage Devices." A true and correct copy of the '197 Patent is attached hereto as Exhibit E. The '197 Patent is valid and enforceable.

19. Defendants have infringed and are infringing, literally and/or under the doctrine of equivalents, one or more claims of the '197 Patent, directly and/or indirectly, in violation of 35 U.S.C. § 271, by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including power semiconductor devices under the name "CoolMOS" that embody the invention patented within the '197 Patent. On information and belief, Defendants have actively induced and/or contributed to infringement of the '197 Patent by others. The infringing products have no substantial non-infringing uses. Defendants will continue to infringe the '197 Patent unless enjoined by this Court.

20. Upon information and belief, Defendants' infringement of the '197 Patent is willful.

EXCEPTIONALITY AND DAMAGES

21. This is an exceptional case within the meaning of 35 U.S.C. § 285.

22. Under 35 U.S.C. § 284, Third Dimension is entitled to actual and increased damages adequate to compensate it for Defendants' willful infringement of the above-identified U.S. Patents, including, but not limited to, a reasonable royalty for the use of Third Dimension's inventions.

RELIEF

Third Dimension respectfully requests the following relief:

- A. Judgment that one or more of the claims of the '275, '906, '867, and '197 Patents have been infringed, either literally or under the doctrine of equivalents, by the Defendants;
- B. That the Court enter preliminary and permanent injunctions against the Defendants' infringement of the Third Dimension patents identified above;
- C. That the Court award damages to Third Dimension to which it is entitled, including but not limited to, the full amount of actual damages caused by Defendants' infringing activities, which may include lost profits and/or reasonable royalty;
- D. That the Court treble the actual damages in view of Defendants' willful infringement;
- E. That the Court award interest on such damages;
- F. That the Court award Third Dimension's costs and attorney's fees incurred in this action; and
- G. Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff Third Dimension Semiconductor, Inc., in accordance with Fed. R. Civ. P. 38 and 39, asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues in its First Amended Complaint, and any amendments or supplements thereto, triable to a jury, against Defendants Infineon Technologies North America Corp., Infineon Technologies AG, and Infineon Technologies Holding North America, Inc.

Dated: May 20, 2008

/s/ Jeffrey R. Bragalone

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