

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

August Technology Corporation, a Delaware
corporation, and Rudolph Technologies, Inc.,
a Delaware corporation,

Plaintiffs,

v.

Camtek Ltd., a foreign corporation,

Defendant.

)
) **Case Number: 05cv1396 MJD/JGL**
)

) **AMENDED COMPLAINT**
)

) **JURY DEMAND**
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)
)

Comes now the Plaintiffs, and for their Complaint against Defendant, state and
allege as follow:

THE PARTIES

1. Plaintiff, August Technology Corporation, is incorporated in the State of Delaware, having a principal place of business at 4900 West 78th Street, Bloomington, Minnesota 55435.
2. Plaintiff, Rudolph Technologies, Inc., is incorporated in the State of Delaware having a principal place of business at One Rudolph Road, Flanders, New Jersey, 07836.
3. Upon information and belief, Defendant, Camtek Ltd., is a business entity incorporated under the laws of the State of Israel, having a principal place of business at 9102 Bldg., Industrial Zone, Migdal Haemek, 23000, 23105 Israel.
4. Plaintiffs are engaged in the business of making and selling automated visual inspection systems for the microelectronics industry. Plaintiffs' products include inspection systems for semiconductor wafer defects.

5. On November 30, 2004, United States Patent No. 6,826,298 B1 (hereinafter “the ‘6,298 patent”) entitled AUTOMATED WAFER INSPECTION SYSTEM AND A PROCESS OF PERFORMING SUCH INSPECTION was duly and legally issued to Plaintiff as assignee; and since that date Plaintiff has been, and still is, the owner of all right, title, and interest in the ‘6,298 patent. A copy of the ‘6,298 patent is attached hereto as Exhibit A.

6. Plaintiffs are the owners of right, title and interests in the '6,298 patent, including the right to sue and collect damages for past, present, and future infringement.

7. Defendant is engaged, *inter alia*, in the business of making and selling automated visual inspection systems for the microelectronics industry. Defendant has imported into the United States and sold an automated visual inspection device under the Falcon name. Defendant has purposefully sold and offered for sale such Falcon device specifically in Minnesota.

8. On or about February 1, 2005, August Technology Corporation, the former owner of the '6,298 patent, through counsel, corresponded with Camtek and specifically placed Camtek on notice of the existence of the ‘6,298 patent and likely infringement by the Camtek Falcon device. Further, counsel requested that Camtek alternatively provide an explanation as to why the Falcon device did not infringe or discontinue sales of the Falcon in the United States.

9. Notwithstanding this notice, Camtek has continued to import and sell Falcon devices in the United States and has made no effort to explain whether or not it believes the Falcon device infringes any claim of the ‘298 patent.

JURISDICTION

10. This is a claim of patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271 and 282-85.

11. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391. Upon information and belief, Defendant has engaged in the importation, manufacture, use, distribution, and/or offer for sale of products embodying the inventions of the patent-in-suit in this judicial district and throughout the United States.

COUNT I – INFRINGEMENT OF U.S. PAT. NO. 6,826,298 B1

13. Plaintiffs restate the allegations set forth in paragraphs 1-12 and incorporates them herein by reference.

14. By virtue of their ownership of the ‘6,298 patent, Plaintiffs acquired and continue to maintain the right to sue thereon and the right to recover for infringement thereof.

15. On information and belief, Defendant has directly infringed, contributed to the infringement of, and/or induced infringement of the ‘6,298 patent through the manufacture, use, sale, offer for sale, and or importation of automated wafer inspection systems including, but not limited to, its Falcon line of products.

16. Plaintiffs have been damaged by Defendant’s infringement of said patent and will continue to be damaged in the future unless Defendant is permanently enjoined from infringing said patent, contributing to the infringement of said patent, and/or inducing the infringement of said patent by others.

17. Defendant has had actual knowledge of the ‘6,298 patent and, on information and belief, has had actual knowledge that the use, manufacture, sale, offer for

sale, and/or importation of the above-identified automated wafer inspection systems infringes said patent, contributes to the infringement of said patent, and/or induces the infringement of said patent by others.

18. Upon information and belief, Defendant's infringement of said patent is now and has been willful and will continue unless enjoined by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment that:

A. United States Patent No. 6,826,298 B1 was duly and legally issued, is valid, and is enforceable;

B. Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of United States Patent No. 6,826,298 B1;

C. Defendant has willfully infringed one or more claims of United States Patent No. 6,826,298 B1;

D. Defendant, its officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of United States Patent No. 6,826,298 B1;

E. An accounting be had for the damages arising out of Defendant's infringement of United States Patent No. 6,826,298 B1, including treble damages for willful infringement as provided by 35 U.S.C. § 284, with interest;

F. Defendant be preliminarily and permanently enjoined from continued use, importation, offer for sale, or sale of Defendant's products used to infringe said patent;

G. Plaintiffs be awarded their attorneys' fees, costs, and expenses in this action; and

H. Plaintiffs be awarded such other and further relief as this Court may deem necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Attorneys for Plaintiffs,

Dated: April 12, 2006

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