

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SEMCON TECH, LLC

Plaintiff,

v.

GLOBALFOUNDRIES U.S. INC. and  
GLOBALFOUNDRIES AMERICAS,  
INC.

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Semcon Tech, LLC makes the following allegations against Defendants GlobalFoundries U.S. Inc. and GlobalFoundries Americas, Inc. (together, “Defendants”):

**PARTIES**

1. Plaintiff Semcon Tech, LLC (“Semcon”) is a Texas limited liability company having a principal place of business at 719 W. Front Street, Suite 242, Tyler, Texas 75702.

2. On information and belief, Defendant GlobalFoundries U.S. Inc. is a Delaware corporation with its principal place of business at 840 N. McCarthy Blvd., Milpitas, California 95035. On information and belief, GlobalFoundries U.S. Inc. can be served through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. On information and belief, Defendant GlobalFoundries Americas, Inc. is a Delaware corporation with its principal place of business at 840 N. McCarthy Blvd., Milpitas, California 95035. On information and belief, GlobalFoundries Americas, Inc. can be served through its registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

4. On information and belief Defendant GlobalFoundries U.S. Inc. and Defendant GlobalFoundries Americas, Inc. are related corporate entities.

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due to having availed themselves of the rights and benefits of Delaware by incorporating under Delaware law and due to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this Judicial District.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Defendants are incorporated in this District, and on information and belief, have transacted business in this district and have committed and/or induced acts of patent infringement in this District.

## **DEFENDANTS' ACTIVITIES**

8. Defendants make, use, sell, offer for sale, and/or import into the United States integrated circuits. Defendants, alone and/or in conjunction with their corporate affiliates, fabricate integrated circuits in the United States and overseas, including Dresden, Germany; Singapore; and Saratoga County, New York.

9. At least some of the integrated circuits made, used, sold, offered for sale, and/or imported into the United States by Defendants are fabricated using, in part, a process known as chemical-mechanical polishing (“CMP”).

10. On information and belief, Defendants sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants’ corporate affiliates in Germany using, in part, CMP.

11. On information and belief, Defendants make, use, sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants’ corporate affiliates in the United States using, in part, CMP.

12. On information and belief, Defendants sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants’ corporate affiliates in Singapore using, in part, CMP.

13. On information and belief, Defendants have sold and continue to sell and/or offer for sale integrated circuits fabricated by Defendants and/or Defendants’ corporate affiliates in Singapore using, in part, CMP to customers based in the United States. Such customers include, without limitation, International Business Machines Corporation (“IBM”), Texas Instruments Incorporated (“TI”), Qualcomm Incorporated

("Qualcomm"), Qualcomm Atheros, Inc. ("Atheros"), and/or Freescale Semiconductor, Inc. ("Freescale").

14. On information and belief, Defendants sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants' corporate affiliates in Germany using, in part, CMP with a fixed abrasive pad.

15. On information and belief, Defendants make, use, sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants' corporate affiliates in the United States using, in part, CMP with a fixed abrasive pad.

16. On information and belief, Defendants sell, offer for sale, and/or import into the United States integrated circuits fabricated by Defendants and/or Defendants' corporate affiliates in Singapore using, in part, CMP with a fixed abrasive pad.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,541,381**

17. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-16 above, as if fully set forth herein.

18. Plaintiff Semcon is the owner by assignment of United States Patent No. 6,541,381 ("the '381 patent") titled "Finishing method for semiconductor wafers using a lubricating boundary layer." The '381 patent was duly and legally issued by the United States Patent and Trademark Office on April 1, 2003. A true and correct copy of the '381 patent is included as Exhibit A.

19. On information and belief, Defendants infringed and continue to infringe the '381 patent by, among other things, making, using, offering for sale, selling and/or importing into the United States integrated circuits made by a process patented under the

'381 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using an Applied Materials Reflexion LK CMP system with a fixed abrasive pad, including but not limited to claim 21. By making, using, offering for sale, selling and/or importing into the United States integrated circuits made using one or more processes covered by one or more claims of the '381 patent, Defendants have injured Semcon and are liable to Semcon for infringement of the '381 patent pursuant to 35 U.S.C. § 271.

20. As a result of Defendants' infringement of the '381 patent, Plaintiff Semcon has suffered monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, either literally and/or under the doctrine of equivalents, the '381 patent;
2. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants' infringement of the '381 patent as provided under 35 U.S.C. § 284; and
3. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: February 25, 2013

BAYARD, P.A.

OF COUNSEL:

Marc A. Fenster  
Alexander C.D. Giza  
Jeffrey Z.Y. Liao  
RUSS, AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025-1031  
(310) 826-7474  
mfenster@raklaw.com  
agiza@raklaw.com  
jliao@raklaw.com

/s/ Stephen B. Braerman  
Richard D. Kirk (rk0922)  
Stephen B. Braerman (sb4952)  
Vanessa R. Tiradentes (vt5398)  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899  
(302) 655-5000  
rkirk@bayardlaw.com  
sbraerman@bayardlaw.com  
vtiradentes@bayardlaw.com

*Attorneys for Plaintiff Semcon Tech, LLC*