

E-FILING ADR

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Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

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8 *Attorneys for Plaintiffs*

9 ELPIDA MEMORY, INC. and ELPIDA MEMORY (USA) INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 ELPIDA MEMORY, INC., and
13 ELPIDA MEMORY (USA) INC.,

14 Plaintiffs,

15 v.

16 ON SEMICONDUCTOR
17 CORPORATION, and
18 SEMICONDUCTOR COMPONENTS
19 INDUSTRIES, L.L.C.,

20 Defendants.

Case No.

CV 10-05014

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

LB

21 Plaintiffs ELPIDA MEMORY, INC., and ELPIDA MEMORY (USA) INC.
22 (collectively, "Elpida"), by and through their undersigned counsel, hereby allege as follows:

23 **PARTIES**

24 1. Elpida Memory, Inc. is a corporation organized under the laws of Japan
25 with its principal place of business at Sumitomo Seimei Yaesu Building, 3rd Floor, 2-1 Yaesu 2-
26 chome Chuo-ku, Tokyo, Japan. Elpida Memory, Inc. does business in the Northern District of
27 California.

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COMPLAINT FOR PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL

2. Elpida Memory (USA) Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 1175 Sonora Court, Sunnyvale, California 94086. Elpida Memory (USA) Inc. does business in the Northern District of California.

3. Upon information and belief, ON Semiconductor Corporation is a corporation organized under the laws of the State of Delaware with its principal place of business at 5005 East McDowell Road, Phoenix, Arizona 85008. ON Semiconductor Corporation does business in the Northern District of California.

4. Upon information and belief, Semiconductor Components Industries, L.L.C. is a limited liability company organized under the laws of the State of Delaware with its principal place of business at 5005 East McDowell Road, Phoenix, Arizona 85008. Semiconductor Components Industries, L.L.C. does business in the Northern District of California.

JURISDICTION AND VENUE

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

6. Venue is proper in the Northern District of California under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

7. This Court has personal jurisdiction over ON Semiconductor Corporation and Semiconductor Components Industries, L.L.C. (collectively, "Defendants") because they each have conducted and do conduct business within the State of California and within this judicial district. For example, Defendants maintain a Solution Engineering Center in San Jose, California, and a design center in Santa Clara, California, within the Northern District of California.

8. Defendants, directly or through intermediaries, each manufacture, distribute, offer for sale or license, sell or license, use, and/or advertise their products in the United States, the State of California, and the Northern District of California.

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INTRADISTRICT ASSIGNMENT

9. This is an Intellectual Property Action to be assigned on a district-wide basis pursuant to Civil Local Rule 3-2(c).

BACKGROUND

10. Elpida is a leading manufacturer of Dynamic Random Access Memory ("DRAM") integrated circuits. Elpida's design, manufacturing and sales operations are backed by world class technological expertise. Elpida utilizes the most advanced manufacturing technologies available, and its products feature such characteristics as high-density, high-speed, low power and small packaging profiles. Elpida provides DRAM solutions across a wide range of applications, including personal computers, servers, mobile devices and digital consumer electronics.

11. Elpida (and its predecessor) sought and obtained patent protection pertaining to many inventions covering leading innovations in DRAM technology. The inventions protected by Elpida's patents resulted from the investments of large monetary sums in research and development.

12. On January 17, 1995, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,383,080, entitled "Semiconductor Integrated Circuit Having Voltage Limiter Circuit" ("the '080 Patent"). A true and correct copy of the '080 Patent is attached hereto as Exhibit A.

13. Elpida is the owner by assignment of the '080 Patent and has the exclusive right to license the '080 Patent as well as to sue for and collect fees, costs and damages, including damages for past infringement of the '080 Patent.

14. The '080 Patent generally relates to semiconductor devices.

15. Upon information and belief, Defendants are a global supplier of power, analog, digital signal processing, mixed signal, advanced logic, data management semiconductors, memory and standard semiconductor components and integrated circuits. Defendants design, manufacture and market an extensive portfolio of semiconductor components. Specifically, Defendants design, manufacture and market the following products: the CAT4201 and the NCP3102B (the "Exemplar Products").

17. Upon information and belief, Defendants have known of the '080 Patent at least since April 2, 2010 when it became the subject of publicly filed litigation in a federal district court concerning technology similar to that which is embodied in Defendants' products.

(Infringement of the '080 Patent)

19. Elpida is informed and believes, and on that basis alleges, that Defendants have infringed and are infringing the '080 Patent, have contributed and are contributing to infringement of the '080 Patent, and/or have actively induced and are actively inducing others to infringe the '080 Patent, by committing acts defined in 35 U.S.C. § 271 as unlawful and infringing, including but not limited to making, using, offering for sale, selling and/or importing products that infringe one or more claims of the '080 Patent. Defendants' infringing products include, but are not limited to, the Exemplar Products. All such acts by Defendants have been without authority or license from Elpida.

21. Upon information and belief, Defendants' infringement is willful and deliberate, entitling Elpida 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.

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PRAYER FOR RELIEF

WHEREFORE, Elpida prays for the following relief:

A. That the Court find and enter a judgment that Defendants have directly and/or indirectly infringed, induced infringement and/or contributed to infringement of the '080 Patent;

B. That the Court find and enter a judgment that Defendants' infringement of the '080 Patent has been and continues to be willful;

C. That the Court enter a permanent injunction, pursuant to 35 U.S.C. § 283, enjoining Defendants and their officers, agents, servants, employees, successors, assigns, attorneys and all others in active concert and/or participation with them from further directly infringing, indirectly infringing, inducing infringement and/or contributing to infringement of the '080 Patent;

D. That the Court find and enter a judgment, pursuant to 35 U.S.C. § 284, first paragraph, awarding Elpida damages, including an accounting of damages, adequate to compensate Elpida for Defendants' past and present infringement of the '080 Patent by payment of an amount not less than a reasonable royalty on Defendants' sales of infringing products, together with pre-judgment and post-judgment interest on the damages awarded, and costs;

E. That the Court award Elpida treble damages based on the willfulness of Defendants' infringement, pursuant to 35 U.S.C. § 284, second paragraph.

F. That the Court find and enter a judgment that this case is exceptional and award to Elpida its reasonable attorney fees, disbursements and costs in accordance with the law, including, but not limited to, 35 U.S.C. § 285; and

G. That the Court award Elpida any other relief that the Court may deem just, equitable, and proper.

DEMAND FOR JURY TRIAL

Elpida hereby demands a jury trial on all issues so triable.

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1 Dated: November 5, 2010

Respectfully submitted,

2 By 
3 _____

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13 (USA) INC.

EXHIBIT A



US005383080A

United States Patent [19]

Etoh et al.

[11] Patent Number: **5,383,080**[45] Date of Patent: **Jan. 17, 1995**[54] **SEMICONDUCTOR INTEGRATED CIRCUIT
HAVING VOLTAGE LIMITER CIRCUIT**

[75] Inventors: **Jun Etoh, Hachioji; Masakazu Aoki, Tokorozaawa; Masashi Horiguchi, Kawasaki; Shigeki Ueda, Hachioji; Hitoshi Tanaka, Tachikawa; Kazuhiko Kajigaya, Iruma; Tsugio Takahashi, Ome; Hiroshi Kawamoto, Kodaira, all of Japan**

[73] Assignees: **Hitachi, Ltd.; Hitachi VLSI Engineering Corporation, both of Tokyo, Japan**

[21] Appl. No.: **917,995**

[22] Filed: **Jul. 24, 1992**

[30] **Foreign Application Priority Data**

Jul. 25, 1991 [JP] Japan 3-186100

[51] Int. Cl.⁶ **H02H 3/00**

[52] U.S. Cl. **361/56; 361/91**

[58] Field of Search **361/56, 91, 118; 363/20, 21, 97; 365/226, 227**

[56] **References Cited****U.S. PATENT DOCUMENTS**

4,731,719 3/1988 Nelson 363/20
4,930,112 5/1990 Tanaka et al. 365/226

Primary Examiner—Marc S. Hoff

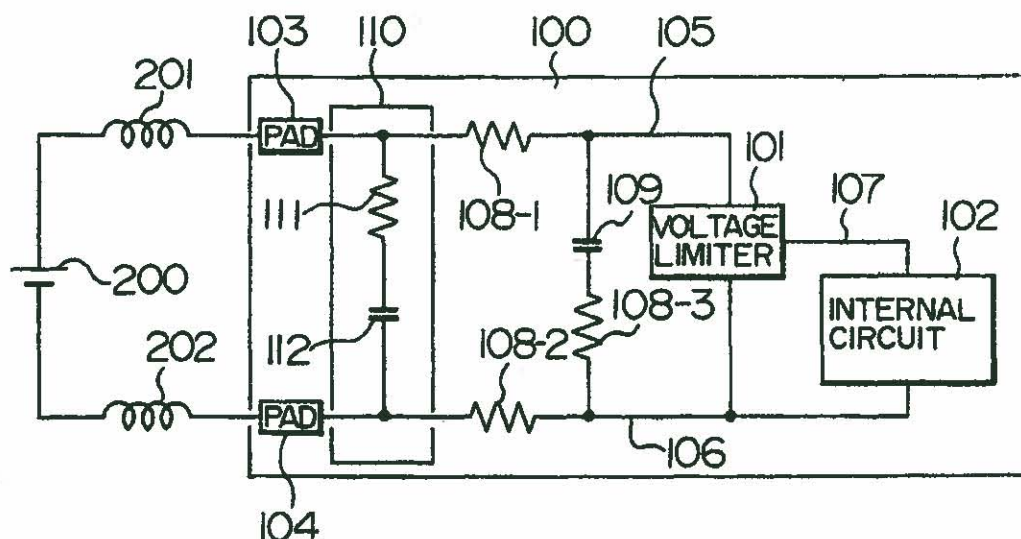
Assistant Examiner—S. Jackson

Attorney, Agent, or Firm—Antonelli, Terry, Stout & Kraus

[57] **ABSTRACT**

A voltage limiter circuit is disposed in a semiconductor IC chip in order to reduce an operating voltage of an internal circuit of a scaled-down element. A small capacitance of a Vcc wiring by the disposition constitutes a resonance circuit together with an inductance of the Vcc wiring. Resonance at the resonance circuit causes large variation of a supply current and noise. An additional capacitance is connected between the Vcc wiring and a Vss wiring in order to suppress the variation and noise. The capacitance is formed by a PN junction and is connected in series to a damping resistance.

25 Claims, 7 Drawing Sheets



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5,383,080

FIG. 1

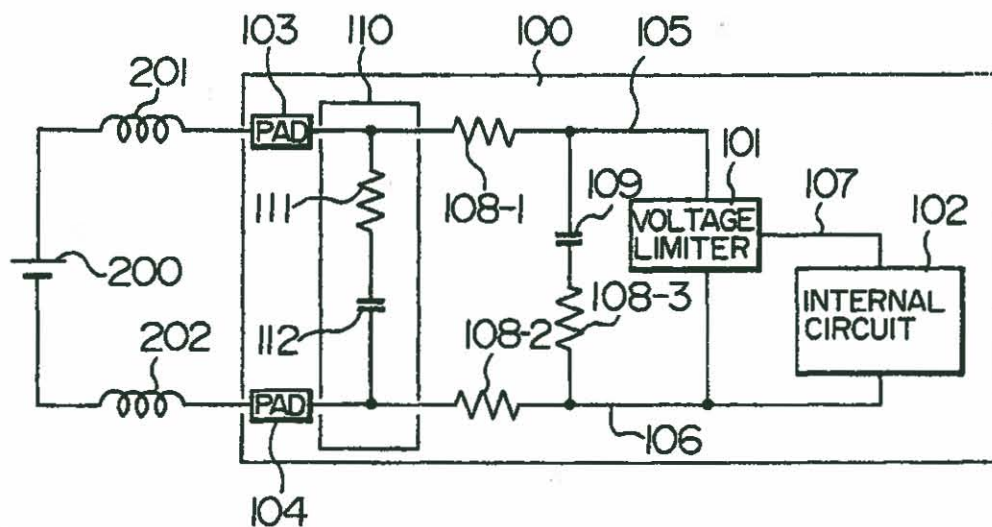
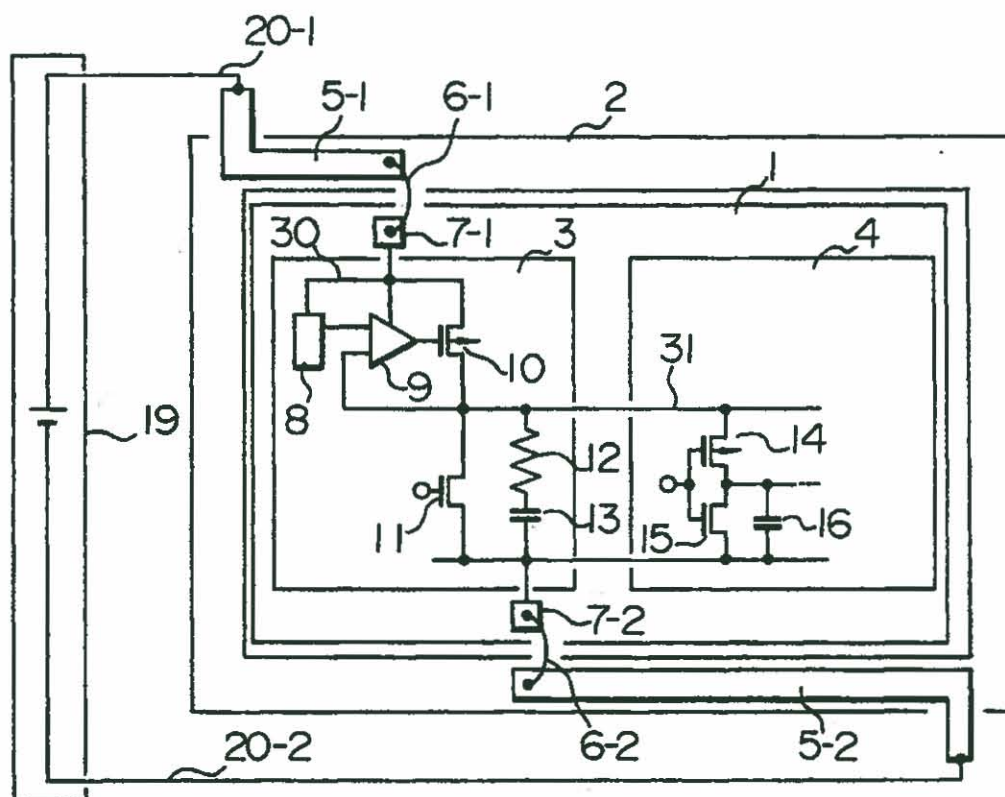


FIG. 2



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FIG. 3A

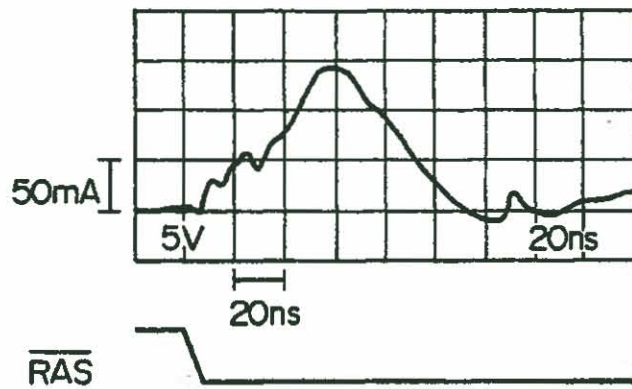


FIG. 3B

