

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

SEMCON TECH, LLC,

Plaintiff,

v.

GLOBALFOUNDRIES SINGAPORE PTE.
LTD. (F.K.A. CHARTERED
SEMICONDUCTOR MANUFACTURING
LTD.), GLOBALFOUNDRIES INC.,
GLOBALFOUNDRIES U.S. INC., AND
GLOBALFOUNDRIES AMERICAS, INC.,

Defendants.

C.A. 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 Singapore Pte. Ltd. (f.k.a. Chartered Semiconductor Manufacturing Ltd.), GlobalFoundries Inc., GlobalFoundries U.S. Inc., and GlobalFoundries Americas, Inc. (collectively, “Defendants”):

PARTIES

1. Plaintiff Semcon Tech, LLC (“Semcon”) is a Delaware limited liability company.
2. On information and belief, Defendant GlobalFoundries Singapore Pte. Ltd. (f.k.a. Chartered Semiconductor Manufacturing Ltd.) (“GF-SG”) is a company organized under the laws of Singapore that maintains its principal place of business at 60

Woodlands Industrial Park D, Street 2, Singapore 738406. On information and belief, GF-SG is wholly owned by Defendant GlobalFoundries Inc.

3. On information and belief, Defendant GlobalFoundries Inc. (“GF Inc.”) is a company organized under the laws of the Cayman Islands with its principal place of business at P.O. Box 309, Ugland House, MAPLES CORPORATE SERVICES LIMITED, Grand Cayman, CAYMAN ISLANDS, KY1-1104.

4. 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. On information and belief, GlobalFoundries U.S. Inc. is wholly owned by GF Inc.

5. 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. On information and belief, GlobalFoundries Americas, Inc. is wholly owned by GF Inc. and is a related entity to GlobalFoundries U.S. Inc.

JURISDICTION AND VENUE

6. 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).

7. 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 due to their substantial business in this forum, including: (i) having offered for sale and/or sold products made by an infringing process in Delaware and in this District, having purposely imported/shipped or caused to be imported/shipped products made by an infringing process into Delaware and this District through established distribution channels, and/or having committed acts in this State and District that are the subject of the count set forth 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 District. Defendants GlobalFoundries U.S. Inc. and GlobalFoundries Americas, Inc. have further availed themselves of the rights and benefits of Delaware by incorporating under Delaware law.

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

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,156,717

9. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-8 above, as if fully set forth herein.

10. Plaintiff Semcon is the owner by assignment of United States Patent No. 7,156,717 ("the '717 Patent") titled "[In] Situ Finishing Aid Control." The '717 Patent was duly and legally issued by the United States Patent and Trademark Office on January 2, 2007. A true and correct copy of the '717 Patent is included as Exhibit A.

11. Defendants GF-SG and/or GF Inc. make, use, sell, offer for sale, and/or import into the United States integrated circuits. Defendants GF-SG and/or GF Inc., alone and/or in conjunction with their corporate affiliates, fabricate integrated circuits in the United States and overseas, including at Fab 7 in Singapore and Fab 1 in Dresden, Germany.

12. At least some of the integrated circuits made, used, sold, offered for sale, and/or imported into the United States by Defendants GF-SG and/or GF Inc. are fabricated using, in part, a process known as chemical-mechanical polishing (“CMP”) performed with the use of Applied Materials Reflexion LK and/or GT CMP systems and Ebara F-REX300 CMP Systems.

13. On information and belief, Defendants GF-SG and/or GF Inc. have sold and continue to sell and/or offer for sale integrated circuits fabricated by Defendants GF-SG and/or GF Inc. and/or Defendants GF-SG and/or GF Inc.’s corporate affiliates using, in part, CMP performed with the use of Applied Materials Reflexion LK and/or GT CMP systems and Ebara F-REX300 CMP Systems to customers in the United States or whom Defendants GF-SG and/or GF Inc. know or should know import such integrated circuits into the United States. Such customers include, without limitation, Freescale Semiconductor, Inc., Qualcomm Incorporated, Qualcomm Atheros, Inc., International Business Machines Corporation, Broadcom Corporation, NVIDIA Corporation, and STMicroelectronics N.V.

14. On information and belief, Defendants GF-SG and/or GF Inc. have infringed and continue to infringe the ‘717 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 '717 Patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using, in part, CMP performed with the use of Applied Materials Reflexion LK and/or GT CMP systems and Ebara F-REX300 CMP systems through a process covered by one or more claims of the '717 Patent, including but not limited to claim 1. 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 '717 patent, Defendants GF-SG and/or GF Inc. have injured Semcon and are liable to Semcon for infringement of the '717 Patent pursuant to 35 U.S.C. § 271(g).

15. As a result of Defendants GF-SG and/or GF Inc.'s infringement of the '717 Patent, Plaintiff Semcon is entitled to monetary damages in an amount adequate to compensate for Defendants GF-SG and/or GF Inc.'s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants GF-SG and/or GF Inc., together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,551,933

16. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-15 above, as if fully set forth herein.

17. Plaintiff Semcon is the owner by assignment of United States Patent No. 6,551,933 ("the '933 Patent") titled "Abrasive Finishing with Lubricant and Tracking." The '933 Patent was duly and legally issued by the United States Patent and Trademark Office on April 22, 2003. A true and correct copy of the '933 Patent is included as Exhibit B.

18. On information and belief, Defendants GF-SG and/or GF Inc. infringed and continue to infringe the '933 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 '933 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, through a process covered by one or more claims of the '933 Patent, including but not limited to claim 1. 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 '933 patent, Defendants GF-SG and/or GF Inc. have injured Semcon and are liable to Semcon for infringement of the '933 patent pursuant to 35 U.S.C. § 271(g).

19. As a result of Defendants GF-SG and/or GF Inc.'s infringement of the '933 patent, Plaintiff Semcon is entitled to monetary damages in an amount adequate to compensate for Defendants GF-SG and/or GF Inc.'s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants GF-SG and/or GF Inc., together with interest and costs as fixed by the Court.

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

20. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-19 above, as if fully set forth herein.

21. 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 C.

22. 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, through a process covered by one or more claims of the '381 patent, 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(a) and (g).

23. As a result of Defendants' infringement of the '381 patent, Plaintiff Semcon is entitled to 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.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 6,656,023

24. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-23 above, as if fully set forth herein.

25. Plaintiff Semcon is the owner by assignment of United States Patent No. 6,656,023 ("the '023 patent") titled "In situ control with lubricant and tracking". The '023

patent was duly and legally issued by the United States Patent and Trademark Office on December 2, 2003. A true and correct copy of the '023 patent is included as Exhibit D.

26. On information and belief, Defendants have infringed and continue to infringe the '023 patent by, among other things, using, offering for sale, selling and/or importing into the United States integrated circuits made by a process patented under the '023 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using an Ebara F-REX 300 CMP system, through a process covered by one or more claims of the '023 Patent, including but not limited to claim 1. By 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 '023 patent, Defendants have injured Semcon and are liable to Semcon for infringement of the '023 patent pursuant to 35 U.S.C. § 271(a) and (g).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Defendants GF-SG and/or GF Inc. have infringed, either literally and/or under the doctrine of equivalents, the '717 patent and the '933 patent;

b. A judgment in favor of Plaintiff that Defendants have infringed, either literally and/or under the doctrine of equivalents, the '381 patent and the '023 patent;

c. A judgment and order requiring Defendants GF-SG and/or GF Inc. to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants GF-SG and/or GF Inc.'s infringement of the '717 patent and the '933 patent as provided under 35 U.S.C. § 284;

d. 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 and the '023 patent as provided under 35 U.S.C. § 284;

e. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to Semcon, including without limitation, prejudgment and post-judgment interest; and

f. 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.

April 18, 2013

BAYARD, P.A.

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