

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

SEMCON TECH, LLC,

Plaintiff,

v.

NVIDIA CORPORATION,

Defendant.

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 Defendant NVIDIA Corporation:

PARTIES

1. Plaintiff Semcon Tech, LLC (“Semcon”) is a Delaware limited liability company.

2. On information and belief, Defendant NVIDIA Corporation (“NVIDIA”) is a Delaware corporation having a principal place of business at 2701 San Tomas Expressway, Santa Clara, CA 95050. On information and belief, NVIDIA can be served through its registered agent, Corporation Service Company, 2711 Centerville Rd Ste 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. 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).

4. On information and belief, NVIDIA is 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 itself of the rights and benefits of Delaware by incorporating under Delaware law and conducting 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 counts 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.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). NVIDIA is incorporated in this district, and on information and belief, has transacted business in this district and has committed acts of patent infringement in this District.

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

6. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. 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.

8. NVIDIA uses, sells, offers for sale, and/or imports into the United States integrated circuits, including but not limited to graphics processing units (GPUs) and products containing GPUs.

9. Upon information and belief, NVIDIA purchases integrated circuits made by GlobalFoundries Inc. and/or its affiliates, including but not limited to GlobalFoundries Singapore Pte. Ltd. (f.k.a. Chartered Semiconductor Manufacturing Ltd.), GlobalFoundries Dresden Module One Limited Liability Company & Co. KG, GlobalFoundries Dresden Module Two Limited Liability Company & Co. KG, GlobalFoundries U.S. Inc., and/or GlobalFoundries Americas, Inc. (collectively, “GlobalFoundries”), in Singapore, Dresden, Germany, and/or Malta, New York.

10. Upon information and belief, NVIDIA purchases integrated circuits made by Taiwan Semiconductor Manufacturing Company, Ltd. and/or its affiliates, including but not limited to TSMC Development, Inc., Wafertech, LLC, and/or TSMC China Company Limited (collectively, “TSMC”), in Hsinchu, Taiwan, Tainan, Taiwan, Taichung, Taiwan, Camas, Washington, and Shanghai, China.

11. Upon information and belief, NVIDIA uses, sells, offers for sale, and/or imports into the United States at least some of the integrated circuits made by NVIDIA’s suppliers, including GlobalFoundries and/or TSMC.

12. At least some of the integrated circuits used, sold, offered for sale, and/or imported into the United States by NVIDIA 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-REX 300 CMP systems.

13. On information and belief, NVIDIA has infringed and continues to infringe the '717 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 '717 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using, in part, CMP with the use of Applied Materials Reflexion LK and/or GT CMP systems and Ebara F-REX 300 CMP systems, using a process covered by one or more claims of the '717 patent, including but not limited to claim 1. By using, offering for sale, selling and/or importing into the United States integrated circuits made by a process patented under the '717 patent, NVIDIA has injured Semcon and is liable to Semcon for infringement of the '717 patent pursuant to 35 U.S.C. § 271(g).

14. As a result of NVIDIA's infringement of the '717 patent, Plaintiff Semcon is entitled to monetary damages in an amount adequate to compensate for NVIDIA's infringement, but in no event less than a reasonable royalty for the use made of the invention by NVIDIA, together with interest and costs as fixed by the Court.

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

15. Plaintiff Semcon realleges and incorporates by reference paragraphs 1-14 above, as if fully set forth herein.

16. 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.

17. On information and belief, NVIDIA has infringed and continues to infringe the '933 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 '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 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, NVIDIA has injured Semcon and is liable to Semcon for infringement of the '933 patent pursuant to 35 U.S.C. § 271(g).

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

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

19. 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.

20. On information and belief, NVIDIA has infringed and continues to infringe the '381 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 '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 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, NVIDIA has injured Semcon and is liable to Semcon for infringement of the ‘381 patent pursuant to 35 U.S.C. § 271(g).

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

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

22. 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.

23. On information and belief, NVIDIA has infringed and continues 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, NVIDIA has injured Semcon and is liable to Semcon for infringement of the ‘023 patent pursuant to 35 U.S.C. § 271(g).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that NVIDIA has infringed, either literally and/or under the doctrine of equivalents, the '717 patent, the '933 patent, the '381 patent, and the '023 patent;
- b. A judgment and order requiring NVIDIA to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '717 patent, the '933 patent, the '381 patent, and the '023 patent as provided under 35 U.S.C. § 284; and
- c. A judgment and order requiring NVIDIA to provide an accounting and to pay supplemental damages to Semcon, including without limitation, prejudgment and post-judgment interest; and
- d. 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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