

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

SEMCON TECH, LLC,

Plaintiff,

v.

SPANSION INC.,

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 Spansion Inc.:

PARTIES

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

2. On information and belief, Defendant Spansion Inc. (“Spansion”) is a Delaware corporation having a principal place of business at 915 DeGuigne Drive, # MS252, Sunnyvale, CA 94085-3836. On information and belief, Spansion can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

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. Spansion 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 themselves of the rights and benefits of Delaware by incorporating under Delaware law and conducting substantial business in this forum, including: (i) having made, 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.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Spansion 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. Spansion makes, uses, sells, offers for sale, and/or imports into the United States integrated circuits, including flash memory products. Spansion, alone and/or in conjunction with its corporate affiliates, fabricates integrated circuits in the United States, including in Austin, Texas.

9. At least some of the integrated circuits made, used, sold, offered for sale, and/or imported into the United States by Spansion 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.

10. On information and belief, Spansion has sold and continues to sell and/or offer for sale integrated circuits fabricated by Spansion and/or Spansion’ corporate affiliates using, in part, CMP performed with the use of Applied Materials Reflexion LK and/or GT CMP systems to customers in the United States.

11. On information and belief, Spansion has infringed and continues 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, flash memory products fabricated using, in part, CMP performed with the use of Applied Materials Reflexion LK and/or GT 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 by a process patented under the ‘717 Patent, Spansion has injured Semcon and is liable to Semcon for infringement of the ‘717 Patent pursuant to 35 U.S.C. § 271(a) and (g).

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Spansion has infringed, either literally and/or under the doctrine of equivalents, the '717 patent;
- b. A judgment and order requiring Spansion to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Spansion's infringement of the '717 patent as provided under 35 U.S.C. § 284; and
- c. A judgment and order requiring Spansion 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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