IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEMCON TECH, LLC Plaintiff, v. STMICROELECTRONICS N.V., STMICROELECTRONICS INTERNATIONAL N.V., AND STMICROELECTRONICS, 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 STMicroelectronics N.V., STMicroelectronics International N.V., and STMicroelectronics, Inc. (collectively, "Defendants"):

PARTIES

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

2. On information and belief, Defendant STMicroelectronics N.V. ("ST NV") is a corporation organized under the laws of the Netherlands, whose principal place of business is WTC Schiphol Airport, Schiphol Boulevard 265, 1118 BH Schiphol Airport, The Netherlands. On information and belief, ST NV provides, among other services and products, semiconductor foundry services to other semiconductor firms, including in the

United States, directly or through its subsidiaries, the relevant ones of which are also named defendants in this action.

3. On information and belief, Defendant STMicroelectronics International N.V. ("ST International") is a corporation organized under the laws of the Netherlands, whose principal place of business is 39 Chemin du Champ des Filles, 1228 Plan-Les-Ouates, Geneva, Switzerland. On information and belief, ST International is a wholly-owned subsidiary of ST NV. On information and belief, ST International provides, among other services and products, semiconductor foundry services to other semiconductor firms, including in the United States, directly or through its affiliates, the relevant ones of which are also named defendants in this action.

4. Upon information and belief, Defendant STMicroelectronics, Inc. ("ST Inc.") is a corporation organized and existing under the laws of the State of Delaware that maintains its principal place of business at 750 Canyon Dr Ste 300, Coppell, TX 75019-4009. Upon information and belief, ST Inc. can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801. Upon information and belief, ST Inc. is a wholly-owned subsidiary of ST NV whose board members are appointed exclusively by ST NV. On information and belief, ST Inc. acts as the exclusive sales and marketing agent in the United States for ST NV and thereby indirectly provides, among other services and products, semiconductor foundry services to other semiconductor firms in the United States.

5. Upon information and belief, at all pertinent times herein mentioned, ST NV, ST International, and ST Inc. were the agents and/or alter egos of each other and

shared a unity of interest with each other, and, in doing the things hereinafter alleged, were acting within the course and scope of such agency and with the permission and consent of each other. Upon information and belief, each of ST NV, ST International, and ST Inc. had and have actual or constructive knowledge of the events, transactions and occurrences alleged herein, and either knew or should have known of the conduct of each other and cooperated in, benefited from and/or ratified such conduct. Upon information and belief, at all pertinent times, ST NV, ST International, and ST Inc. have been indistinguishable entities for purposes of the claims and allegations herein.

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. Defendant ST Inc. has further availed itself 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, all Defendants have transacted business in this district and have committed acts of patent infringement in this District.

9. There is such a unity of interest among ST NV, ST International, and ST Inc. that in reality no separate entities exist, and fraud or injustice would result if the Court were to recognize these entities as separate.

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

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

11. 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.

12. 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, including in Crolles, France.

13. Upon information and belief, Defendants also purchase 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.

14. Upon information and belief, Defendants also purchase integrated circuits made by Semiconductor Manufacturing International Corporation and/or its affiliates, including but not limited to Semiconductor Manufacturing International (Shanghai) Corporation, Semiconductor Manufacturing International (Beijing) Corporation, Semiconductor Manufacturing International (Tianjin) Corporation, Semiconductor Manufacturing International (Shenzhen) Corporation, and/or SilTech Semiconductor (Shanghai) Corporation Limited (collectively, "SMIC"), in Shanghai, Beijing, Tianjin, and/or Shenzhen, China.

15. Upon information and belief, Defendants use, sell, offer for sale, and/or import into the United States at least some of the integrated circuits made by Defendants, Defendants' affiliates, and/or Defendants' suppliers, including GlobalFoundries and/or SMIC.

16. 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") performed with the use of Applied Materials Reflexion LK and/or GT CMP systems and/or Ebara F-REX 300 CMP systems.

17. On information and belief, Defendants have sold and continue to sell and/or offer for sale integrated circuits fabricated by Defendants, Defendants' affiliates, and/or Defendants' suppliers, including GlobalFoundries and/or SMIC, using, in part, CMP performed with the use of Applied Materials Reflexion LK and/or GT CMP

systems and/or Ebara F-REX 300 CMP systems to customers in the United States or whom Defendants know or should know import such integrated circuits into the United States. Such customers include, without limitation, Koninklijke Philips Electronics N.V., Freescale Semiconductor, Inc., and/or their affiliates.

18. On information and belief, Defendants 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/or Ebara F-REX 300 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, Defendants have injured Semcon and are liable to Semcon for infringement of the '717 Patent pursuant to 35 U.S.C. § 271(g).

19. As a result of Defendants' infringement of the '717 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 II
INFRINGEMENT OF U.S. PATENT NO. 6,656,023

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

21. 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 B.

22. On information and belief, Defendants have infringed and continue to infringe the '023 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 '023 patent. Such integrated circuits include, by way of example and without limitation, integrated circuits fabricated using, in part, CMP performed with the use of Ebara F-REX300 CMP systems through a process covered by one or more claims of the '023 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 '023 Patent, Defendants have injured Semcon and are liable to Semcon for infringement of the '023 Patent pursuant to 35 U.S.C. § 271(g).

23. As a result of Defendants' infringement of the '023 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Semcon respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Defendants have infringed, either literally and/or under the doctrine of equivalents, the '717 patent and the '023 patent;

b. 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 '717 patent and the '023 patent as provided under 35 U.S.C. § 284; and

c. 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

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.

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