

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DANIEL L. FLAMM, Sc.D.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG SEMICONDUCTOR,
INC.; and SAMSUNG AUSTIN
SEMICONDUCTOR, LLC,

Defendants.

Case No. 1:15-cv-613

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Daniel L. Flamm, Sc.D., hereby alleges by way of complaint against Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC, as follows:

THE PARTIES

1. Dr. Flamm is the owner and inventor (or co-inventor) of United States Patent Nos. 5,711,849, 6,017,221, and RE40,264 (collectively, “the Flamm Patents”). Dr. Flamm is an individual who resides in California. The Flamm patents involve methods used in the fabrication of semiconductors.

2. Samsung Electronics Co., Ltd. is a foreign corporation with its headquarters at 250, 2-ga, Taepyung-ro, Jung-gu, Seoul 100-742, Republic of Korea. Samsung Electronics Co., Ltd. does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of semiconductors that are manufactured in a manner that infringes the Flamm Patents.

3. Samsung Electronics America, Inc. is a corporation organized and existing under the law of the State of New York with its principal place of business at 85 Challenger Road, Ridgefield Park, NJ 07660. Samsung Electronics America, Inc. is registered to do business in Texas and can be served with process through its registered agent, CT Corporation Systems, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

4. Samsung Semiconductor, Inc. is a corporation organized and existing under the law of the State of California with its principal place of business at 3655 N. First Street, San Jose, CA 95134. Samsung Semiconductor, Inc. can be served with process through its registered agent, National Registered Agents, Inc., 1999 Bryan St. Ste. 900, Dallas, TX 75201.

5. Samsung Austin Semiconductor, LLC is a limited liability company organized and existing under the law of the State of Delaware with its principal place of business at 12100 Samsung Boulevard, Austin, TX 78754. Upon information and belief, Samsung Austin Semiconductor, LLC does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of semiconductors that are manufactured in a manner that infringes the Flamm Patents. Samsung Austin Semiconductor, LLC can be served with process through its registered agent, The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

6. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC are referred to collectively herein as “Defendants” or “Samsung.”

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

8. Personal jurisdiction exists generally over each of the Defendants because each Defendant has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas. Personal jurisdiction exists specifically over each of the Defendants because each Defendant, directly or through subsidiaries or intermediaries, has done business in the State of Texas, has committed acts of infringement, and continues to commit acts of infringement in the State of Texas.

9. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that each Defendant has done business in this district, has committed acts of infringement in this judicial district, and continues to commit acts of infringement in this district, entitling Dr. Flamm to relief.

COUNT I – PATENT INFRINGEMENT (NO. 5,711,849)

10. On January 27, 1998, United States Patent No. 5,711,849 (“the ‘849 Patent”) was issued for inventions titled “Process Optimization in Gas Phase Dry Etching.” A true and correct copy of the ‘849 Patent is attached hereto as Exhibit A. Dr. Flamm is the co-inventor and sole owner of the ‘849 Patent.

11. Upon information and belief, Samsung has directly infringed and continues to infringe the ‘849 Patent. The infringing acts include, but are not limited to, the use of the methods taught in the ‘849 Patent Patent to manufacture semiconductors.

12. Samsung's infringement of the methods taught in the '849 Patent has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Samsung the damages he has suffered as a result of Samsung's wrongful acts of infringement in an amount subject to proof at trial.

13. Samsung is liable for infringement of the '849 Patent pursuant to 35 U.S.C. § 271.

COUNT II – PATENT INFRINGEMENT (NO. 6,017,221)

14. On January 25, 2000, United States Patent No. 6,017,221 (“the ‘221 Patent”) was issued for inventions titled “Process Depending on Plasma Discharging Sustained by Inductive Coupling.” A true and correct copy of the ‘221 Patent is attached hereto as Exhibit B. Dr. Flamm is the sole inventor and owner of the ‘221 Patent.

15. Upon information and belief, Samsung has directly infringed and continues to infringe the ‘221 Patent. The infringing acts include, but are not limited to, the use of the methods taught in the ‘221 Patent to manufacture semiconductors.

16. Samsung's infringement of the methods taught in the ‘221 Patent has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Samsung the damages he has suffered as a result of Samsung's wrongful acts of infringement in an amount subject to proof at trial.

17. Samsung is liable for infringement of the ‘221 Patent pursuant to 35 U.S.C. § 271.

COUNT III – PATENT INFRINGEMENT (NO. RE40,264)

18. On April 29, 2008, United States Reissued Patent No. RE40,264 (“the ‘264 Patent”) was issued for inventions titled “Multi-Temperature Processing.” A true and correct copy of the ‘264 Patent is attached hereto as Exhibit C. Dr. Flamm is the sole inventor and owner of the ‘264 Patent.

19. Upon information and belief, Samsung has directly infringed and continues to infringe the '264 Patent. The infringing acts include, but are not limited to, the use of the methods taught in the '264 Patent to manufacture semiconductors.

20. Samsung's infringement of the methods taught in the '264 Patent has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Samsung the damages he has suffered as a result of Samsung's wrongful acts of infringement in an amount subject to proof at trial.

21. Samsung is liable for infringement of the '264 Patent pursuant to 35 U.S.C. § 271.

PRAYER FOR RELIEF

WHEREFORE, Dr. Flamm prays for entry of judgment:

- a) that Samsung has infringed one or more claims of the '849 Patent;
- b) that Samsung has infringed one or more claims of the '221 Patent;
- c) that Samsung has infringed one or more claims of the '264 Patent;
- d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for such infringement;
- e) awarding Dr. Flamm his attorneys' fees incurred in this action;
- f) awarding costs to Dr. Flamm; and
- g) such further relief as the Court deems appropriate.

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