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1 2 3 4	STADHEIM & GREAR, LTD. George C. Summerfield (<u>summerfield@stadheimgrear.com</u>) 400 N. Michigan Avenue, Suite 2200 Chicago, Illinois 60611 Telephone: (312) 755-4400 Facsimile: (312) 755-4408	REDACTED VERSION OF DOCUMENT SOUGHT TO BE FILED UNDER SEAL	
5 6 7	Attorneys for Defendant and Third-Party Plaintiff DANIEL L. FLAMM		
8 9 10	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION		
10	LAM RESEARCH CORP,	Case No. 4:15-cv-01277-BLF	
12	Plaintiff,		
13	V.	AMENDED THIRD-PARTY	
14	DANIEL L. FLAMM,	COMPLAINT	
15	Defendant.	DEMAND FOR JURY TRIAL	
16	DANIEL L. FLAMM,		
17	Third-Party Plaintiff,		
18	V.		
19	GLOBALFOUNDRIES U.S. INC.; INTEL		
20 21	CORPORATION; MAXIM INTEGRATED PRODUCTS, INC.; and MICRON TECHNOLOGY, INC.,		
22	Third-Party Defendants.		
23	Defendent and Third Derty Disintiff De] niel L. Flamm hereby alleges, by way of	
24	amended third-party complaint against Globa		
25	Maxim Integrated Products, Inc., and Micron T		
26	defendants") as follows:	concernery, and party	
27	,		
28	1		

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1	1. Dr. Flamm is the owner and inventor (or co-inventor) of United States	
2	Patent Nos. 5,711,849 entitled "Process Optimization in Gas Phase Dry Etching";	
3	6,017,221 entitled "Process Depending on Plasma Discharges Sustained by Inductive	
4	Coupling"; and RE40,264 entitled "Multi-Temperature Processing" (collectively, "the	
5	Flamm Patents"). The Flamm Patents involve methods used in the fabrication of	
6	semiconductors.	
7	PARTIES	
8	2. Dr. Flamm is an individual who resides in Walnut Creek, California.	
9	3. GlobalFoundries U.S., Inc. is a corporation organized under the laws of	
10	the State of Delaware with its principal place of business at 2600 Great America Way,	
11	Santa Clara Gateway, Santa Clara, CA 95054.	
12	4. Intel Corporation is a corporation organized under the laws of the State of	
13	Delaware with its principal place of business at 2200 Mission College Boulevard, Santa	
14	Clara, CA 95054.	
15	5. Maxim Integrated Products, Inc. is a corporation organized under the laws	
16	of the State of Delaware with its principal place of business at 160 Rio Robles, San Jose,	
17	CA 95134.	
18	6. Micron Technology, Inc. is a corporation organized under the laws of the	
19	State of Delaware with its principal place of business at 8000 S. Federal Way, Boise, ID	
20	83716. Micron Technology maintains a place of business at Tasman Technology Park,	
21	540 Alder Drive, Milpitas, CA 95035.	
22	JURISDICTION AND VENUE	
23	7. This Court has subject matter jurisdiction over this dispute under 35	
24	U.S.C. §§ 1331 and 1338(a).	
25	8. This Court has personal jurisdiction over the third-party defendants	
26	because each of themhave sufficient minimum contacts with this forum as a result of	
27	business conducted within the State of California. Personal jurisdiction exists	
28	2	

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1	specifically over each of the third-party defendants because each of them, directly or	
2	through subsidiaries or intermediaries, has done business in the State of California, has	
3	committed acts of infringement, and continues to commit acts of infringement in the State	
4	of California, and/or within this judicial district, which	
5	gives rise to Dr. Flamm's third-party complaint.	
6	9. Venue is proper in this judicial district under 35 U.S.C. §§ 1391(b),	
7	1391(c), and 1400(b).	
8	FACTS	
9	10. Lam filed its Amended Complaint in this action on or about August 28,	
10	2015.	
11	11. In its Amended Complaint, Lam seeks a declaration of non-infringement	
12	of each of the Flamm Patents.	
13	12. Lam further seeks a declaration that: "Lam and its customers do not design	
14	or use its products in an infringing manner" for each of the Flamm Patents.	
15	13.	
16		
17		
	COUNT I	
17	COUNT I Infringement of the '849 Patent (Against All Defendants)	
17 18		
17 18 19	Infringement of the '849 Patent (Against All Defendants)	
17 18 19 20	Infringement of the '849 Patent (Against All Defendants)14.Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1	
17 18 19 20 21	Infringement of the '849 Patent (Against All Defendants) 14. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 13, as if fully set forth herein.	
17 18 19 20 21 22	Infringement of the '849 Patent (Against All Defendants)14.Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1through 13, as if fully set forth herein.15.15.On January 27, 1998, United States Patent No. 5,711,849 ("the '849	
17 18 19 20 21 22 23	Infringement of the '849 Patent (Against All Defendants)14.Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1through 13, as if fully set forth herein.15.15.On January 27, 1998, United States Patent No. 5,711,849 ("the '849Patent") was issued for inventions titled "Process Optimization in Gas Phase Dry	
17 18 19 20 21 22 23 24	Infringement of the '849 Patent (Against All Defendants)14.Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1through 13, as if fully set forth herein.15.15.On January 27, 1998, United States Patent No. 5,711,849 ("the '849Patent") was issued for inventions titled "Process Optimization in Gas Phase DryEtching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A to	
17 18 19 20 21 22 23 24 25	Infringement of the '849 Patent (Against All Defendants)14. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1through 13, as if fully set forth herein.15. On January 27, 1998, United States Patent No. 5,711,849 ("the '849Patent") was issued for inventions titled "Process Optimization in Gas Phase DryEtching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A toLam's Amended Complaint. Dr. Flamm is the co-inventor and sole owner of the '849	
17 18 19 20 21 22 23 24 25 26	Infringement of the '849 Patent (Against All Defendants)14. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1through 13, as if fully set forth herein.15. On January 27, 1998, United States Patent No. 5,711,849 ("the '849Patent") was issued for inventions titled "Process Optimization in Gas Phase DryEtching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A toLam's Amended Complaint. Dr. Flamm is the co-inventor and sole owner of the '849	

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1	16. Upon information and belief, the third-party defendants directly infringe	
2	the claims of the '849	
3	and/or by using equipment that the third-party defendants	
4	may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to	
5	manufacture integrated circuits in a manner that infringes the patents in-suit.	
6	17. The infringement of the '849 Patent by third-party defendants has	
7	damaged Dr. Flamm, and Dr. Flamm is entitled to recover from third-party defendants	
8	the damages he has suffered as a result of their wrongful acts of infringement in an	
9	amount subject to proof at trial.	
10	COUNT II	
11	Infringement of the '221 Patent (Against All Defendants)	
12	18. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1	
13	through 17, as if fully set forth herein.	
14	19. On January 25, 2000, United States Patent No. 6,017,221 ("the '221	
15	Patent") was issued for inventions titled "Process Depending on Plasma Discharges	
16	Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached	
17	hereto as Exhibit B to Lam's Amended Complaint. Dr. Flamm is the inventor and sole	
18	owner of the '221 Patent.	
19	20. Upon information and belief, third-party defendants directly infringe the	
20	claims of the '221 patent by	
21	and/or by using equipment that the third-party defendants may	
22	have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture	
23	integrated circuits in a manner that infringes the patents in-suit.	
24	21. The infringement of the '221 Patent by third-party defendants has	
25	damaged Dr. Flamm, and Dr. Flamm is entitled to recover from third-party defendants	
26	the damages he has suffered as a result of their wrongful acts of infringement in an	
	amount subject to proof at trial.	
27	amount subject to proof at trial.	

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1	COUNT III	
2	Infringement of the '264 Patent (Against All Defendants)	
3	22. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1	
4	through 21, as if fully set forth herein.	
5	23. On April 29, 2008, United States Patent No. RE 40,264 ("the '264	
6	Patent") was issued for inventions titled "Multi-Temperature Processing." A true and	
7	correct copy of the '264 Patent is attached hereto as Exhibit C to Lam's Amended	
8	Complaint. Dr. Flamm is the inventor and sole owner of the '264 Patent.	
9	24. Upon information and belief, third-party defendants directly infringe the	
10	claims of the '264 patent	
11	and/or by using equipment that the third-party defendants may	
12	have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture	
13	integrated circuits in a manner that infringes the patents in-suit.	
14	25. The infringement of the '264 Patent by third-party defendants has	
15	damaged Dr. Flamm, and Dr. Flamm is entitled to recover from third-party defendants	
16	the damages he has suffered as a result of their wrongful acts of infringement in an	
17	amount subject to proof at trial.	
18	PRAYER FOR RELIEF	
19	WHEREFORE, Dr. Flamm prays for entry of judgment:	
20	a) that third-party defendants have infringed one or more claims of the '849	
21	Patent;	
22	b) that third-party defendants have infringed one or more claims of the '221	
23	Patent;	
24	c) that third-party defendants have infringed one or more claims of the '264	
25	Patent;	
26	d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for	
27	such infringement;	
28	5	
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