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REDACTED VERSION OF  
DOCUMENT SOUGHT TO BE  
FILED UNDER SEAL

5 Attorneys for Defendant  
6 and Third-Party Plaintiff  
7 DANIEL L. FLAMM

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 LAM RESEARCH CORP,  
12 Plaintiff,  
13 v.  
14 DANIEL L. FLAMM,  
15 Defendant.

Case No. 4:15-cv-01277-BLF

AMENDED THIRD-PARTY  
COMPLAINT

DEMAND FOR JURY TRIAL

16 DANIEL L. FLAMM,  
17 Third-Party Plaintiff,  
18 v.  
19 GLOBALFOUNDRIES U.S. INC.; INTEL  
20 CORPORATION; MAXIM INTEGRATED  
21 PRODUCTS, INC.; and MICRON  
22 TECHNOLOGY, INC.,  
23 Third-Party Defendants.

24 Defendant and Third-Party Plaintiff Daniel L. Flamm hereby alleges, by way of  
25 amended third-party complaint against GlobalFoundries U.S., Inc., Intel Corporation,  
26 Maxim Integrated Products, Inc., and Micron Technology, Inc. (collectively, “third-party  
27 defendants”) as follows:  
28



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 [REDACTED] 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. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

### 18 COUNT I

#### 19 Infringement of the '849 Patent (Against All Defendants)

20 14. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1  
21 through 13, as if fully set forth herein.

22 15. On January 27, 1998, United States Patent No. 5,711,849 ("the '849  
23 Patent") was issued for inventions titled "Process Optimization in Gas Phase Dry  
24 Etching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A to  
25 Lam's Amended Complaint. Dr. Flamm is the co-inventor and sole owner of the '849  
26 Patent.



**COUNT III**

Infringement of the '264 Patent (Against All Defendants)

22. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 21, as if fully set forth herein.

23. On April 29, 2008, United States Patent No. RE 40,264 (“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 to Lam’s Amended Complaint. Dr. Flamm is the inventor and sole owner of the ‘264 Patent.

24. Upon information and belief, third-party defendants directly infringe the claims of the ‘264 patent [REDACTED] and/or by using [REDACTED] equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated circuits in a manner that infringes the patents in-suit.

25. The infringement of the ‘264 Patent by third-party defendants has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from third-party defendants the damages he has suffered as a result of their wrongful acts of infringement in an amount subject to proof at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Dr. Flamm prays for entry of judgment:

- a) that third-party defendants have infringed one or more claims of the ‘849 Patent;
- b) that third-party defendants have infringed one or more claims of the ‘221 Patent;
- c) that third-party defendants have infringed one or more claims of the ‘264 Patent;
- d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for such infringement;

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