	Case 5:16-cv-01578-BLF Document 2	Filed 04/22/16 Page	1 of 6	
1 2 3 4 5	STADHEIM & GREAR, LTD. George C. Summerfield ( <u>Summerfield@stadheimgrear.com</u> ) Rolf O. Stadheim ( <u>Stadheim@stadheimgrear.com</u> ) Robert M. Spalding ( <u>Spalding@stadheimgrear.com</u> ) 400 N. Michigan Avenue, Suite 2200 Chicago, Illinois 60611 Telephone: (312) 755-4400 LAW OFFICES OF KENNETH C. BROOKS			
6	Kenneth C. Brooks ( <u>kcb@brookspatents.com</u> ) 1578 Centre Point Dr.			
7	Milpitas, CA 95035 Telephone: (408) 368-7997			
8 9	Attorneys for Plaintiff DANIEL L. FLAMM			
10				
11	UNITED STATES DISTRICT COURT			
12	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION			
13				
14	DANIEL L. FLAMM, Sc.D.,	Case No. 5:16-cv-0157	8-BLF	
15	Plaintiff,	COMPLAINT		
16	v.	DEMAND FOR JURY	TRIAL	
17	GLOBALFOUNDRIES U.S. INC.,			
18	Defendant.			
19	Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of complaint against			
20	GLOBALFOUNDRIES U.S., Inc., as follows:			
21	1. Dr. Flamm is the owner and inventor (or co-inventor) of United States			
22	Patent Nos. 5,711,849 entitled "Process Optimization in Gas Phase Dry Etching";			
23	6,017,221 entitled "Process Depending on Plasma Discharges Sustained by Inductive			
24	Coupling"; and RE40,264 entitled "Multi-Temperature Processing" (collectively, "the			
25	Flamm Patents"). The Flamm Patents involve methods used in the fabrication of			
26	semiconductors.			
27				
28	1			

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1	PARTIES			
2	2. Dr. Flamm is an individual who resides in Walnut Creek, California.			
3	3. GLOBALFOUNDRIES U.S., Inc. is a corporation organized under the			
4	laws of the State of Delaware with its principal place of business at 2600 Great America			
5	Way, Santa Clara Gateway, Santa Clara, CA 95054.			
6	JURISDICTION AND VENUE			
7	4. This Court has subject matter jurisdiction over this dispute under 35			
8	U.S.C. §§ 1331 and 1338(a).			
9	5. This Court has personal jurisdiction over GLOBALFOUNDRIES because			
10	it has sufficient minimum contacts with this forum. GLOBALFOUNDRIES is present			
11	within this judicial district and has done business in the State of California related to its			
12	acts of infringement including purchasing equipment used for infringement from Lam			
13	Research Corp.			
14	6. Venue is proper in this judicial district under 35 U.S.C. §§ 1391(b),			
15	1391(c), and 1400(b).			
16	<b>FACTS</b>			
17	7. Lam Research Corporation filed a Second Amended Complaint in the			
18	action styled Lam Research Corp. v. Daniel L. Flamm, Case No. 4:15-cv-01277-BLF			
19	(Dkt. No. 80) on or about January 15, 2016. In that Second Amended Complaint, Lam			
20	seeks, inter alia, a declaration that: "Lam and its customers do not design or use its			
21	products in an infringing manner" for each of the Flamm Patents.			
22	8. GLOBALFOUNDRIES is one of Lam's customers and is included among			
23	the customers on whose behalf Lam seeks relief.			
24	COUNT I			
25	Infringement of the '849 Patent			
26	9. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1			
27	through 11, as if fully set forth herein.			
28	2			

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1	10. On January 27, 1998, United States Patent No. 5,711,849 ("the '849	
1		
2	Patent") was issued for inventions titled "Process Optimization in Gas Phase Dry	
3	Etching." A true and correct copy of the '849 Patent is attached hereto as Exhibit A. Dr.	
4	Flamm is the co-inventor and sole owner of the '849 Patent.	
5	11. Upon information and belief, GLOBALFOUNDRIES directly infringes	
6	the claims of the '849 patent by using equipment purchased from Lam (including the	
7	Kiyo product family) and/or by using similar equipment that the third-party defendants	
8	may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to	
9	manufacture integrated circuits in a manner that infringes the patents in-suit.	
10	12. The infringement of the '849 Patent by GLOBALFOUNDRIES has	
11	damaged Dr. Flamm, and Dr. Flamm is entitled to recover from GLOBALFOUNDRIES	
12	the damages he has suffered as a result of GLOBALFOUNDRIES' wrongful acts of	
13	infringement in an amount subject to proof at trial.	
14	COUNT II	
	Infringement of the '221 Patent	
15	Infringement of the '221 Patent	
15 16	Infringement of the '221 Patent13.Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1	
16	13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1	
16 17	13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.	
16 17 18	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1</li> <li>through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221</li> </ul>	
16 17 18 19	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1</li> <li>through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221</li> <li>Patent") was issued for inventions titled "Process Depending on Plasma Discharges</li> </ul>	
16 17 18 19 20	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached</li> </ul>	
16 17 18 19 20 21	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> </ul>	
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> <li>15. Upon information and belief, GLOBALFOUNDRIES directly infringes</li> </ul>	
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> <li>15. Upon information and belief, GLOBALFOUNDRIES directly infringes the claims of the '221 patent by using equipment purchased from Lam (including the</li> </ul>	
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> <li>15. Upon information and belief, GLOBALFOUNDRIES directly infringes the claims of the '221 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants</li> </ul>	
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> <li>15. Upon information and belief, GLOBALFOUNDRIES directly infringes the claims of the '221 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to</li> </ul>	
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	<ul> <li>13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.</li> <li>14. On January 25, 2000, United States Patent No. 6,017,221 ("the '221 Patent") was issued for inventions titled "Process Depending on Plasma Discharges Sustained by Inductive Coupling." A true and correct copy of the '221 Patent is attached hereto as Exhibit B. Dr. Flamm is the inventor and sole owner of the '221 Patent.</li> <li>15. Upon information and belief, GLOBALFOUNDRIES directly infringes the claims of the '221 patent by using equipment purchased from Lam (including the Kiyo product family) and/or by using similar equipment that the third-party defendants may have purchased from Applied Materials, Inc. and/or Tokyo Electron Ltd. to</li> </ul>	

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

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1	c) that GLOBALFO	OUNDRIES has infringed one or more claims of the '264		
2	Patent;			
3	d) awarding Dr. Fl	amm sufficient damages to compensate Dr. Flamm for		
4	such infringement;			
5	e) awarding Dr. Fla	e) awarding Dr. Flamm his attorneys' fees incurred in this action;		
6	f) awarding costs to	f) awarding costs to Dr. Flamm; and		
7	g) such further relief as the Court deems appropriate.			
8				
9		JURY TRIAL DEMAND		
10	Daniel L. Flamm hereby	demands a trial by jury of all issues so triable.		
11	April 22, 2016	Respectfully submitted,		
12		STADHEIM & GREAR, LTD.		
13		By: /s/ Robert M. Spalding		
14		George C. Summerfield (Summerfield@stadheimgrear.com)		
15		Rolf O. Stadheim ( <u>Stadheim@stadheimgrear.com</u> )		
16		Robert M. Spalding		
17		( <u>Spalding@stadheimgrear.com</u> ) 400 N. Michigan Avenue, Suite 2200		
18		Chicago, Illinois 60611 Telephone: (312) 755-4400		
19		Facsimile: (312) 755-4408		
20		LAW OFFICES OF KENNETH C. BROOKS		
21		Kenneth C. Brooks ( <u>kcb@brookspatents.com</u> ) 1578 Centre Point Dr.		
22		Milpitas, CA 95035 Telephone: (408) 368-7997		
23				
24		Attorneys for Plaintiff Daniel L. Flamm		
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