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9 Attorneys for Plaintiff
DANIEL L. FLAMM

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11 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 DANIEL L. FLAMM, Sc.D.,

15 Plaintiff,

16 v.

17 GLOBALFOUNDRIES U.S. INC.,

18 Defendant.

Case No. 5:16-cv-01578-BLF

COMPLAINT

DEMAND FOR JURY TRIAL

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.
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PARTIES

2. Dr. Flamm is an individual who resides in Walnut Creek, California.

3. GLOBALFOUNDRIES U.S., Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 2600 Great America Way, Santa Clara Gateway, Santa Clara, CA 95054.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this dispute under 35 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over GLOBALFOUNDRIES because it has sufficient minimum contacts with this forum. GLOBALFOUNDRIES is present within this judicial district and has done business in the State of California related to its acts of infringement including purchasing equipment used for infringement from Lam Research Corp.

6. Venue is proper in this judicial district under 35 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

FACTS

7. Lam Research Corporation filed a Second Amended Complaint in the action styled *Lam Research Corp. v. Daniel L. Flamm*, Case No. 4:15-cv-01277-BLF (Dkt. No. 80) on or about January 15, 2016. In that Second Amended Complaint, Lam seeks, *inter alia*, a declaration that: “Lam and its customers do not design or use its products in an infringing manner” for each of the Flamm Patents.

8. GLOBALFOUNDRIES is one of Lam’s customers and is included among the customers on whose behalf Lam seeks relief.

COUNT I

Infringement of the ‘849 Patent

9. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 11, as if fully set forth herein.

- 1 c) that GLOBALFOUNDRIES has infringed one or more claims of the '264
2 Patent;
3 d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for
4 such infringement;
5 e) awarding Dr. Flamm his attorneys' fees incurred in this action;
6 f) awarding costs to Dr. Flamm; and
7 g) such further relief as the Court deems appropriate.
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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

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