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9 Attorneys for Plaintiff  
DANIEL L. FLAMM

10  
11 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 DANIEL L. FLAMM, Sc.D.,

14 Plaintiff,

15 v.

16 INTEL CORPORATION,

17 Defendant.

Case No. 5:16-cv-01579-BLF

COMPLAINT

DEMAND FOR JURY TRIAL

18  
19 Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of complaint against Intel  
20 Corporation 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 **PARTIES**

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

3 3. Intel Corporation is a corporation organized under the laws of the State of  
4 Delaware with its principal place of business at 2200 Mission College Boulevard, Santa  
5 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 Intel because it has sufficient  
10 minimum contacts with this forum. Intel is present within this judicial district and has  
11 done business in the State of California related to its acts of infringement including  
12 purchasing equipment used for infringement from Lam Research Corp.

13 6. Venue is proper in this judicial district under 35 U.S.C. §§ 1391(b),  
14 1391(c), and 1400(b).

15 **FACTS**

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

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

23 **COUNT I**

24 **Infringement of the ‘849 Patent**

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

1 10. On January 27, 1998, United States Patent No. 5,711,849 (“the ‘849  
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, Intel directly infringes the claims of the ‘849  
6 patent by using equipment purchased from Lam (including the Kiyoo product family)  
7 and/or by using similar equipment that the third-party defendants may have purchased  
8 from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated  
9 circuits in a manner that infringes the patents in-suit.

10 12. The infringement of the ‘849 Patent by Intel has damaged Dr. Flamm, and  
11 Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of  
12 Intel’s wrongful acts of infringement in an amount subject to proof at trial.

## 13 COUNT II

### 14 Infringement of the ‘221 Patent

15 13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1  
16 through 15, as if fully set forth herein.

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

21 15. Upon information and belief, Intel directly infringes the claims of the ‘221  
22 patent by using equipment purchased from Lam (including the Kiyoo product family)  
23 and/or by using similar equipment that the third-party defendants may have purchased  
24 from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated  
25 circuits in a manner that infringes the patents in-suit.  
26  
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1 16. The infringement of the '221 Patent by Intel has damaged Dr. Flamm, and  
2 Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of  
3 Intel's wrongful acts of infringement in an amount subject to proof at trial.

4 **COUNT III**

5 Infringement of the '264 Patent

6 17. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1  
7 through 19, as if fully set forth herein.

8 18. On April 29, 2008, United States Patent No. RE 40,264 ("the '264  
9 Patent") was issued for inventions titled "Multi-Temperature Processing." A true and  
10 correct copy of the '264 Patent is attached hereto as Exhibit C. Dr. Flamm is the inventor  
11 and sole owner of the '264 Patent.

12 19. Upon information and belief, Intel directly infringes the claims of the '264  
13 patent by using equipment purchased from Lam (including the Kiyoo product family)  
14 and/or by using similar equipment that the third-party defendants may have purchased  
15 from Applied Materials, Inc. and/or Tokyo Electron Ltd. to manufacture integrated  
16 circuits in a manner that infringes the patents in-suit.

17 20. The infringement of the '264 Patent by Intel has damaged Dr. Flamm, and  
18 Dr. Flamm is entitled to recover from Intel the damages he has suffered as a result of  
19 Intel's wrongful acts of infringement in an amount subject to proof at trial.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Dr. Flamm prays for entry of judgment:

- 22 a) that Intel has infringed one or more claims of the '849 Patent;  
23 b) that Intel has infringed one or more claims of the '221 Patent;  
24 c) that Intel has infringed one or more claims of the '264 Patent;  
25 d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for  
26 such infringement;  
27 e) awarding Dr. Flamm his attorneys' fees incurred in this action;

- 1 f) awarding costs to Dr. Flamm; and  
2 g) such further relief as the Court deems appropriate.  
3

4 **JURY TRIAL DEMAND**

5 Daniel L. Flamm hereby demands a trial by jury of all issues so triable.

6 April 22, 2016

Respectfully submitted,

7 STADHEIM & GREAR, LTD.

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