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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-01580-BLF	
15	Plaintiff,	COMPLAINT	
16	v.	DEMAND FOR JURY TRIAL	
17	MAXIM INTEGRATED PRODUCTS, INC.,		
18	Third-Party Defendants.		
19	Plaintiff Daniel L. Flamm Sc.D. hereby alleges, by way of complaint against		
20	Maxim Integrated Products, Inc. as follows:		
21			
22	1. Dr. Flamm is the owner and inventor (or co-inventor) of United States		
23	Patent Nos. 5,711,849 entitled "Process Optimization in Gas Phase Dry Etching";		
24	6,017,221 entitled "Process Depending on Plasma Discharges Sustained by Inductive		
	Coupling"; and RE40,264 entitled "Multi-Ter	nperature Processing" (collectively, "the	
25	Flamm Patents"). The Flamm Patents involve methods used in the fabrication of		
26	semiconductors.		
27			
28	1		



## **PARTIES**

- 2. Dr. Flamm is an individual who resides in Walnut Creek, California.
- Maxim Integrated Products, Inc. is a corporation organized under the laws
  of the State of Delaware with its principal place of business at 160 Rio Robles, San Jose,
  CA 95134.

## **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 Maxim because it has sufficient minimum contacts with this forum. Maxim 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. Maxim 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.



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

- 11. Upon information and belief, Maxim directly infringes the claims of the '849 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 manufacture integrated circuits in a manner that infringes the patents in-suit.
- 12. The infringement of the '849 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's wrongful acts of infringement in an amount subject to proof at trial.

## **COUNT II**

## Infringement of the '221 Patent

- 13. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 15, as if fully set forth herein.
- 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.
- 15. Upon information and belief, Maxim 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 manufacture integrated circuits in a manner that infringes the patents in-suit.



16. The infringement of the '221 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's wrongful acts of infringement in an amount subject to proof at trial.

#### **COUNT III**

### Infringement of the '264 Patent

- 17. Dr. Flamm hereby incorporates the allegations set forth in Paragraphs 1 through 19, as if fully set forth herein.
- 18. 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. Dr. Flamm is the inventor and sole owner of the '264 Patent.
- 19. Upon information and belief, Maxim directly infringes the claims of the '264 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 manufacture integrated circuits in a manner that infringes the patents in-suit.
- 20. The infringement of the '264 Patent by Maxim has damaged Dr. Flamm, and Dr. Flamm is entitled to recover from Maxim the damages he has suffered as a result of Maxim's 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 Maxim has infringed one or more claims of the '849 Patent;
- b) that Maxim has infringed one or more claims of the '221 Patent;
- c) that Maxim has infringed one or more claims of the '264 Patent;
- d) awarding Dr. Flamm sufficient damages to compensate Dr. Flamm for such infringement;
- 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	3		
4	4 JURY TRIAL DEMAND	JURY TRIAL DEMAND	
5	Daniel L. Flamm hereby demands a trial by jury of all issues so triable.		
6	6 April 22, 2016 Respectfully subn	nitted,	
7	7 STADHEIM & G	REAR, LTD.	
8			
9	Dolf O. Stadhaim	adheimgrear.com)	
10	(Stadheim@stadh	eimgrear.com)	
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