

# EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

DEMARAY LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD,  
SAMSUNG ELECTRONICS AMERICA, INC.,  
SAMSUNG SEMICONDUCTOR, INC., and  
SAMSUNG AUSTIN SEMICONDUCTOR, LLC

Defendants.

Case No. 6:20-CV-00636-ADA

**JURY TRIAL DEMANDED**

**SAMSUNG DEFENDANTS’  
FIRST AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

Defendants Samsung Electronics Co., Ltd. (“SEC”), Samsung Electronics America, Inc. (“SEA”), Samsung Semiconductor, Inc. (“SSI”), and Samsung Austin Semiconductor, LLC (“SAS”) (collectively “Samsung”) responds to the Complaint filed by Plaintiff Demaray LLC (“Plaintiff”) and submits its Affirmative Defenses. To the extent not specifically admitted below, Samsung denies the allegations of the Complaint.

**ANSWER TO COMPLAINT**

**I. Parties**

1. Samsung admits that the face of U.S. Patent Nos. 7,544,276 (“the ’276 patent”) and 7,381,657 (“the ’657 patent”) (collectively, the “Asserted Patents”) list Richard E. Demaray as an inventor. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 of the Complaint, and therefore denies the same.

2. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint, and therefore denies the same.

3. Samsung denies that it uses any of Plaintiff's patented technology. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 3 of the Complaint, and therefore denies the same.

4. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint, and therefore denies the same.

5. Samsung admits that the Complaint purports to attach uncertified copies of the '276 patent and the '657 patent, as Exhibit 1 and Exhibit 2 respectively. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5 of the Complaint, and therefore denies the same.

6. Samsung admits that Samsung Electronics America ("SEA") is a corporation duly organized and existing under the laws of the State of New York. Samsung further admits that SEA may be served with process through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. The remainder of this paragraph sets out a legal conclusion to which no response is necessary. To the extent a response is required as to the remaining allegations in Paragraph 6 of the Complaint, Samsung denies the same.

7. Samsung admits that Samsung Electronics is a company duly organized and existing under the laws of the Republic of Korea with its principal offices at 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea. The remainder of this paragraph sets out a legal conclusion to which no response is necessary. To the extent a response is required as to the remaining allegations in Paragraph 7 of the Complaint, Samsung denies the same.

8. Samsung admits that Samsung Semiconductor is a corporation organized and existing under the laws of the State of California, and is located at 3655 North First Street, San Jose, California 95134. Samsung admits that Samsung Semiconductor is a wholly-owned subsidiary of SEA. Samsung admits that Samsung Semiconductor may be served with process through its registered agent National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

9. Samsung admits that Samsung Austin Semiconductor is a limited liability company organized and existing under the laws of the State of Delaware, and is located at 12100 Samsung Boulevard, Austin, Texas 75754. Samsung admits that Samsung Austin Semiconductor is a wholly-owned subsidiary of Samsung Semiconductor. Samsung admits that Samsung Austin Semiconductor operates a semiconductor fabrication plant known as the “S2-Line” in Austin, Texas. Samsung admits that Samsung Austin Semiconductor may be served with process through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. Samsung denies the remaining allegations of Paragraph 9 of the Complaint.

## II. Jurisdiction and Venue

10. Samsung admits that the Complaint purports to set forth an action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, but denies that there are any factual or legal bases for Plaintiff’s claims. Samsung admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Solely for the limited purpose of this action only, Samsung admits that it is subject to personal jurisdiction in this District.

12. Solely for the limited purpose of this action only, Samsung admits that it is subject to personal jurisdiction in this District, but denies the remaining allegations in Paragraph 12 of the Complaint.

13. No answer is required as to the allegations in Paragraph 13 of the Complaint asserting that “[v]enue in this District is proper,” which are merely conclusions of law. To the extent that any answer is required, Samsung denies infringement of any of the Asserted Patents and denies that the Western District of Texas is the most convenient venue to resolve this action. Samsung admits that it has and is continuing to do business in the United States, including in the Western District of Texas.

### **III. Technology Background**

14. Samsung admits that semiconductor devices are generally manufactured using a series of process steps applied to a substrate, but denies the remaining allegations in Paragraph 14 of the Complaint.

15. Samsung admits that magnetron sputtering is one of many physical vapor deposition (“PVD”) techniques. As to the remaining allegations of Paragraph 15, Samsung admits that certain terms set forth in these allegations are used in the semiconductor industry, but these allegations are otherwise too general, therefore Samsung denies the same.

16. Samsung admits that the ’276 patent states at Column 8, lines 38-60:

Other approaches to providing a uniform condition of sputtering erosion rely on creating a large uniform magnetic field or a scanning magnetic field that produces a time-averaged, uniform magnetic field. For example, rotating magnets or electromagnets can be utilized to provide wide areas of substantially uniform target erosion. For magnetically enhanced sputter deposition, a scanning magnet magnetron source can be used to provide a uniform, wide area condition of target erosion.

As illustrated in FIG. 1A, apparatus 10 can include a scanning magnet magnetron source 20 positioned above target 12. An embodiment of a scanning magnetron source used for dc sputtering of metallic films is described in U.S. Pat. No. 5,855,744 to Halsey, et. al.,

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