

*Law Offices*

Alfred J. Lechner, Jr.  
 MORGAN, LEWIS & BOCKIUS LLP  
 (A Pennsylvania Limited Liability Partnership)  
 502 Carnegie Center  
 Princeton, New Jersey 08540  
 609-919-6600  
 (AL 2495)

Attorneys for Defendants  
 Samsung Electronics Co., Ltd.,  
 Samsung Electronics America, Inc.,  
 Samsung Semiconductor, Inc., and  
 Samsung Austin Semiconductor, L.P.

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW JERSEY**

MOSAID TECHNOLOGIES  
 INCORPORATED,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
 SAMSUNG ELECTRONICS AMERICA, INC.,  
 SAMSUNG SEMICONDUCTOR, INC., and  
 SAMSUNG AUSTIN SEMICONDUCTOR, L.P.,

Defendants.

Civil Action No. 01-4340 (JWB)

**ANSWER OF DEFENDANTS TO  
 FIRST AMENDED COMPLAINT**

Defendants Samsung Electronics Co., Ltd. ("SEC"), Samsung Electronics America, Inc. ("SEA"), Samsung Semiconductor, Inc. ("SSI") and Samsung Austin Semiconductor, L.P. ("SAS") (collectively "Samsung,"), by and through its counsel, Morgan, Lewis & Bockius LLP, hereby answer the allegations of the First Amended Complaint filed by Plaintiff Mosaid Technologies Incorporated ("Mosaid") in the above-captioned action in accordance with the numbered paragraphs thereof as set forth below. Except as to the extent expressly, specifically

and unambiguously admitted herein, Samsung denies each and every allegation contained in Mosaid's First Amended Complaint.

1. Samsung is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint.
2. Samsung admits that Samsung Electronics Company, Ltd. is a foreign corporation that maintains its headquarters at the Samsung Main Building, 250, 2-ka Taepyong-Ro Chung-Ku, Seoul, Korea.
3. Samsung admits that Samsung Electronics America, Inc. is a New York corporation that is registered to conduct business in the State of New Jersey and maintains an office at 105 Challenger Rd., Ridgefield Park, New Jersey 07660.
4. Samsung admits that Samsung Semiconductor, Inc. is a California corporation that is registered to conduct business in the State of New Jersey and maintains an office at 3655 North First Street, San Jose, California 95134.
5. Samsung admits that Samsung Austin Semiconductor, L.P. is a Delaware limited partnership and maintains an office at 12100 Samsung Boulevard, Austin, TX 78754.
6. Samsung admits that Mosaid purports to bring this action under the patent laws of the United States, Title 35, United States Code and that Mosaid purports to base jurisdiction on the statutes cited in this paragraph. The allegations are otherwise denied.
7. Samsung denies the allegations contained in this paragraph of the First Amended Complaint as conclusions of law. Samsung further denies the allegations in the paragraph insofar as it asserts Samsung's products infringe in this District or elsewhere.
8. Samsung admits that SAS operates a facility in Austin, Texas that manufactures wafers related to dynamic random access memories ("DRAMs"). The allegations are otherwise denied.

9. Samsung admits that SAS manufactures wafers which are transferred to SEC. Samsung further admits that SEC packages dies and transfers DRAMs to SSI, and that certain such DRAMs include dies sliced from the wafers manufactured by SAS. Samsung further admits that SSI sells DRAMs to authorized distributors. The allegations are otherwise denied.

10. Samsung admits that All American, Arrow Electronics, Inc., JACO Electronics, Inc., and Repron Electronics, Inc. are authorized distributors of Samsung DRAMs. Samsung further admits that certain of those DRAMs include dies sliced from wafers manufactured by SAS. Samsung is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the First Amended Complaint.

11. Samsung admits that SAS manufactures wafers which are transferred to SEC. Samsung further admits that SEC packages dies and transfers DRAMs to SSI, and that certain such DRAMs include dies sliced from the wafers manufactured by SAS. Samsung further admits that SSI sells DRAMs to authorized distributors. The allegations are otherwise denied.

12. Samsung admits that SAS manufactures wafers which are transferred to SEC. Samsung further admits that SEC packages dies and transfers DRAMs to SSI, and that certain such DRAMs include dies sliced from the wafers manufactured by SAS. Samsung further admits that SSI sells DRAMs to authorized distributors. The allegations are otherwise denied.

13. Samsung admits that SAS manufactures wafers which are transferred to SEC. Samsung further admits that SEC packages dies and transfers DRAMs to SSI, and that certain such DRAMs include dies sliced from the wafers manufactured by SAS. Samsung further admits that SSI sells DRAMs to authorized distributors. The allegations are otherwise denied.

14. Samsung admits that SAS has knowledge that SAS manufactures wafers which are transferred to SEC; that SEC packages dies and transfers DRAMs to SSI; and that certain

such DRAMs include dies sliced from the wafers manufactured by SAS. The allegations are otherwise denied.

15. Samsung denies the allegations contained in this paragraph of the First Amended Complaint as conclusions of law. Samsung further denies the allegations in the paragraph insofar as it asserts Samsung's products infringe in this District or elsewhere.

16. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 5,214,602 ("the '602 patent"), entitled "Dynamic Memory Word Line Driver Scheme," names Mosaid Inc., Ontario, Canada, as the assignee, and (2) Samsung denies that the '602 patent was "duly and legally issued."

17. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '602 patent.

18. Denied.

19. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 5,751,643 ("the '643 patent"), entitled "Dynamic Memory Word Line Driver," names Mosaid Technologies Incorporated, Ontario, Canada, as the assignee, and (2) Samsung denies that the '643 patent was "duly and legally issued."

20. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '643 patent.

21. Denied.

22. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 5,822,253 ("the '253 patent"), entitled "Dynamic

Memory Word Line Driver Scheme," names MOSAID Technologies Incorporated, Ontario, Canada, as the assignee, and (2) Samsung denies that the '253 patent was "duly and legally issued."

23. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '253 patent.

24. Denied.

25. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 6,278,640 B1 ("the '640 patent"), entitled "Dynamic Memory Word Line Driver Scheme," names Mosaid Technologies Incorporated, Kanata (CA), as the assignee, and (2) Samsung denies that the '640 patent was "duly and legally issued."

26. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '640 patent.

27. Denied.

28. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 5,828,620 ("the '620 patent"), entitled "High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM," names MOSAID Technologies Incorporated, Ontario, Canada, as the assignee, and (2) Samsung denies that the '620 patent was "duly and legally issued."

29. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '620 patent.

30. Denied.

31. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 6,055,201 ("the '201 patent"), entitled "High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM," names Mosaid Technologies Incorporated, Kanata, Canada, as the assignee, and (2) Samsung denies that the '201 patent was "duly and legally issued."

32. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '201 patent.

33. Denied.

34. Samsung lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the First Amended Complaint, except that (1) Samsung admits that U.S. Patent No. 5,236,581 B1 ("the '581 patent"), entitled "High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM," names Mosaid Technologies Incorporated, Kanata (CA), as the assignee, and (2) Samsung denies that the '581 patent was "duly and legally issued."

35. Samsung denies that it has infringed or is infringing any valid and enforceable claim of the '581 patent.

36. Denied.

37. Denied.

38. Samsung admits that it has sold certain DRAMs since 1995 and has entered into certain agreements containing certain royalty rates on certain DRAMs. Samsung otherwise denies the allegations of this paragraph of the First Amended Complaint.

### ADDITIONAL DEFENSES

39. No valid and enforceable claim of the '602, '643, '253, '640, '620, '201, and '581 patents (collectively "Mosaid patents") has been or is infringed by Samsung, directly, contributorily, and/or by way of inducement.

40. The Mosaid patents are invalid for failure to satisfy the conditions of patentability set forth by the Patent Laws of the United States, Title 35, United States Code, and the Rules and Regulations of the United States Patent and Trademark Office ("USPTO"), and specifically at least Title 35 U.S.C. §§ 101, 102, 103, and/or 112.

41. The '602, '643, '253, and '640 patents are unenforceable for inequitable conduct committed during its procurement before the United States Patent and Trademark Office ("USPTO"). Particularly, among other things, a material reference was withheld during the prosecution of the '602 patent with an intent to deceive the USPTO. In an effort to obtain the patent by misleading the USPTO, the attorneys or others involved in prosecuting the application that eventually issued as the '602 patent and/or the inventor named on the '602 patent—Valerie L. Lines—knowingly and intentionally withheld and failed to disclose a publication—Fujii, Syuso et al., "A 45-ns 16-Mbit DRAM with Triple-Well Structure," IEEE Journal of Solid State Circuits, vol. 24, no. 5, Oct. 1989, pp.1170-1174—to the USPTO. Mosaid knew of the withheld reference during prosecution of the '602 patent. The publication is prior art to the '602 patent, and is a material reference, *i.e.*, the USPTO would have considered it important in its decision of whether to allow the '602 patent to issue.

42. The '643, '253, '640, '620, '201, and '581 patents are unenforceable under the equitable defense of prosecution laches.

43. The '253 and '201 patents are invalid under the doctrine of double patenting.

WHEREFORE, Samsung respectfully requests the following relief:

- A. That this Court deny any relief requested by Mosaid;
- B. That this Court dismiss Mosaid's First Amended Complaint with prejudice;
- C. That this Court hold that Samsung does not infringe any valid and enforceable claim of the '602, '643, '253, '640, '620, '201, and '581 patents directly, contributorily, and/or by way of inducement;
- D. That this Court hold that the '602, '643, '253, '640, '620, '201, and '581 patents are invalid;
- E. That this Court hold that the '602, '643, '253, '640, '620, '201, and '581 patents are unenforceable;
- F. That this Court permanently enjoin Mosaid, its officers, agents, employees, representatives, counsel, and all persons in active concert or participation with any of them, directly or indirectly, from threatening or charging infringement of, or instituting any action for infringement of the '602, '643, '253, '640, '620, '201, and '581 patents against Samsung, its customers or any distributor or user of its products;
- G. That this Court award costs and reasonable attorney's fees to Samsung; and
- H. Such other relief as this Court may deem proper.

#### **JURY DEMAND**

Samsung hereby demands a trial by jury of all issues so triable.

#### **CERTIFICATION**

Pursuant to Local Civil Rule 11.2 it is hereby certified that the matter in controversy is

not subject to any other action pending in any court, or of any pending arbitration or administrative proceeding.

Respectfully Submitted,



Robert A. White(RW 6063)  
**MORGAN, LEWIS & BOCKIUS LLP**  
502 Carnegie Center  
Princeton, NJ 08540  
(609) 919-6600

Dated: May 13, 2002

Alfred J. Lechner, Jr. (AL 2495)  
**MORGAN, LEWIS & BOCKIUS LLP**  
502 Carnegie Center  
Princeton, NJ 08540  
(609) 919-6600

Thomas B. Kenworthy  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5000

R. Tyler Goodwyn  
Daniel S. Carlineo  
**MORGAN, LEWIS & BOCKIUS, LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
(202) 739-3000

*Counsel for Defendants*  
*Samsung Electronics Co., Ltd.,*  
*Samsung Electronics America, Inc.,*  
*Samsung Semiconductor, Inc., and*  
*Samsung Austin Semiconductor, L.P.*

## CERTIFICATE OF SERVICE

I, Robert A. White hereby certify that the foregoing Answer of Defendant to the First Amended Complaint was served via facsimile transmission and overnight mail on this 13th day of May, 2002 on the following counsel of record:

Liza M. Walsh  
Connell Foley, LLP  
85 Livingston Avenue  
Roseland, New Jersey 07068-3702  
tel: (973) 535-0500  
fax: (973) 535-9217

James L. Wamsley, III  
Jones, Day, Reavis & Pogue  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114-1190  
tel: (216) 586-7251  
fax: (216) 579-0212

Scott W. Burt  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Chicago, Illinois 60601-1692  
tel: (312) 269-4266  
fax: (312) 782-8585

Dated: May 13, 2002



ROBERT A. WHITE