

United States District Court

DISTRICT OF
NEW JERSEY

MOSAID TECHNOLOGIES INCORPORATED,
Plaintiff,

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER: 01-4340 (JWB)

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

TO: (Name and Address of Defendant) SAMSUNG AUSTIN SEMICONDUCTOR, L.P.
12100 Samsung Boulevard
Austin, Texas 78754

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address) Liza M. Walsh
CONNELL FOLEY LLP
85 Livingston Avenue
Roseland, New Jersey 07068
(973) 535-0500

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

DATE

BY DEPUTY CLERK

CONNELL FOLEY LLP
85 Livingston Avenue
Roseland, New Jersey 07068
(973) 535-0500
LMW-4095
Attorneys for Plaintiff

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)

FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT
AND JURY DEMAND

THE PARTIES

1. Plaintiff, Mosaid Technologies Incorporated ("Mosaid") is an Ontario corporation that maintains its principal place of business in Ottawa, Ontario, Canada.

2. Defendant, Samsung Electronics Company, Ltd., is a foreign corporation that maintains its principal place of business at the Samsung Main Building, 250, 2-ka Taepyung-Ro Chung-Ku, Seoul, Korea.

3. Defendant, Samsung Electronics America, Inc., is a New York corporation that is registered to conduct business in the State of New Jersey and that maintains its principal place of business at 105 Challenger Rd., Ridgefield Park, New Jersey 07660.

4. Defendant, Samsung Semiconductor, Inc., is a California corporation that is registered to conduct business in the State of New Jersey and that maintains its principal place of business at 3655 North First Street, San Jose, California 95134.

5. Defendant, Samsung Austin Semiconductor, L.P., ("SAS") is a Delaware limited partnership that maintains its principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35, United States Code. The Jurisdiction of this Court is proper under 35 U.S.C. § 271 et seq. and 28 U.S.C. § 1338.

7. Personal jurisdiction exists generally over each of the Defendants because each has minimum contacts with this forum as a result of business regularly conducted within this district and/or specifically as a result of, at least, the Defendants' distribution network wherein Defendants place their products that infringe Mosaid's patents within the stream of commerce, which stream is directed at this district, and by committing the tort of patent infringement within this district.

8. SAS owns and operates a facility in Austin, Texas that manufactures dynamic random access memories ("DRAMs").

9. DRAMs that are manufactured by SAS are placed within the stream of commerce with the knowledge that some of those DRAMs will be offered for sale, distributed and/or sold within the State of New Jersey.

10. All American, Arrow Electronics, Inc., JACO Electronics, Inc. and Reptron Electronics, Inc. are authorized distributors of Defendants' DRAMs, including those

manufactured by SAS. Each of these distributors has a sales office located in the State of New Jersey.

11. DRAMs manufactured by SAS are offered for sale in the United States through authorized sales representatives. One or more of these sales representatives is responsible for selling DRAMs to customers in the Northeastern United States, including to customers in the State of New Jersey.

12. DRAMs manufactured by SAS have been offered for sale and sold by or on behalf of Defendants to customers in the State of New Jersey.

13. DRAMs manufactured by SAS are marketed to customers located throughout the United States, including customers in the State of New Jersey.

14. SAS has knowledge of the facts alleged in paragraphs 9-13 of this First Amended Complaint.

15. Venue is proper in this Court under 28 U.S.C. § § 1391(c) and (d) as well as 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

16. Mosaid is the owner of United States Patent No. 5,214,602 ("the '602 patent"), which duly and legally issued for the invention of a dynamic memory word line driver.

17. Defendants have infringed and are infringing the '602 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with dynamic memory word line drivers that embody the invention patented within the '602 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '602 patent unless enjoined by this Court.

18. Defendants' infringement of the '602 patent is willful.

19. Mosaid is the owner of United States Patent No. 5,751,643 ("the '643 patent"), which duly and legally issued for the invention of a dynamic memory word line driver.

20. Defendants have infringed and are infringing the '643 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with dynamic memory word line drivers that embody the invention patented within the '643 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '643 patent unless enjoined by this Court.

21. Defendants' infringement of the '643 patent is willful.

22. Mosaid is the owner of United States Patent No. 5,822,253 ("the '253 patent"), which duly and legally issued for the invention of a dynamic memory word line driver.

23. Defendants have infringed and are infringing the '253 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with dynamic memory word line drivers that embody the invention patented within the '253 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '253 patent unless enjoined by this Court.

24. Defendants' infringement of the '253 patent is willful.

25. Mosaid is the owner of United States Patent No. 6,278,640 ("the '640 patent"), which duly and legally issued for the invention of a dynamic memory word line driver.

26. Defendants have infringed and are infringing the '640 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with dynamic memory word line drivers that embody the invention patented within the '640 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '640 patent unless enjoined by this Court.

27. Defendants' infringement of the '640 patent is willful.

28. Mosaid is the owner of United States Patent No. 5,828,620 ("the '620 patent"), which duly and legally issued for the invention of a high voltage boosted word line supply charge pump regulator for a DRAM.

29. Defendants have infringed and are infringing the '620 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with high voltage boosted word line supply charge pump regulators that embody the invention patented within the '620 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '620 patent unless enjoined by this Court.

30. Defendants' infringement of the '620 patent is willful.

31. Mosaid is the owner of United States Patent No. 6,055,201 ("the '201 patent"), which duly and legally issued for the invention of a high voltage boosted word line supply charge pump regulator for a DRAM.

32. Defendants have infringed and are infringing the '201 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with high voltage boosted word line supply charge pump regulators that embody the invention patented within the '201 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '201 patent unless enjoined by this Court.

33. Defendants' infringement of the '201 patent is willful.

34. Mosaid is the owner of United States Patent No. 6,236,581 ("the '581 patent"), which duly and legally issued for the invention of a high voltage boosted word line supply charge pump regulator for a DRAM.

35. Defendants have infringed and are infringing the '581 patent by making, using, offering for sale and/or selling, without authority, products, including DRAMs with high voltage boosted word line supply charge pump regulators that embody the invention patented within the '581 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others. Defendants will continue to infringe the '581 patent unless enjoined by this Court.

36. Defendants' infringement of the '581 patent is willful.

37. This is an exceptional case within the meaning of 35 U.S.C. § 285.

38. Under 35 U.S.C. § 284, Mosaid is entitled to actual damages adequate to compensate it for Defendants' infringement of the above-identified U.S. patents in an amount no less than a reasonable royalty for the use of the inventions. On information and belief, Samsung Electronics Co., Ltd. and/or its affiliated companies have sold approximately \$30 billion of DRAMs worldwide since 1995, and have agreed to pay other licensors royalty rates of more than three percent (3%) on DRAMs.

RELIEF

Mosaid respectfully requests the following relief:

- A. That the Court enter preliminary and permanent injunctions against Defendants' infringement of the above-identified Mosaid patents;
- B. That the Court award damages to Mosaid to which it is entitled;

- C. That the Court treble the actual damages in view of Defendants' willful infringement;
- D. That the Court award interest on such damages;
- E. That the Court award Mosaid's costs and attorney's fees incurred in this action;
- and
- F. Such other relief as the court deems just and proper.

JURY DEMAND

Plaintiff, Mosaid Technologies Incorporated, has previously requested a trial by jury on its Complaint for Patent Infringement against Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc. Plaintiff now requests a trial by jury on its Amended Complaint for Patent Infringement against all Defendants including Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, L.P.

CONNELL FOLEY LLP
Attorneys for Plaintiff

BY: Eiza M. Walsh
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Dated: March 27, 2002

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