

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C. 20436

\_\_\_\_\_)  
In the Matter of )  
CERTAIN SEMICONDUCTOR PRODUCTS ) Investigation No. 337-TA-\_\_  
MADE BY ADVANCED LITHOGRAPHY )  
TECHNIQUES AND PRODUCTS )  
CONTAINING SAME )  
\_\_\_\_\_)

COMPLAINT OF STC.UNM  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANT

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9. *TSMC Sketches 32nm Rollout Plan for 2009*, Semiconductor International, April 28, 2008
10. *A 32nm CMOS Low Power SoC Platform Technology for Foundry Applications with Functional High Density SRAM*, Wu et al., Electron Devices Meeting, IEDM 2007 (Dec. 2007)
11. *45nm Node Planar-SOI Technology with 0.296 $\mu$ m<sup>2</sup> 6T-SRAM Cell*, Yang et al. VLSI Tech., 2004 Digest of Tech. Papers (June 2004)
12. *45nm High-k/Metal-Gate CMOS Technology for GPU/NPU Applications with Highest PFET Performance*, H.T. Huang et al. 1-4244-0439-X/07, IEEE Explore, Fig. 2 at 286 (2007)
13. Samsung Press Release, October 23, 2007
14. TEM images of K9HDG08U5M-LCB0
15. *Integration Technology of 30nm Generation Multi-Level NAND Flash for 64Gb NAND Flash Memory*, Donghwa Kwak, et al. (Semiconductor R&D Center, Memory Business, Samsung Electronics Co., LTD), 2007 Symposium on VLSI Technology Digest of Technical Papers

16. UBM TechInsights description of report “*Memory Detailed Structural Analysis of the Samsung K9HDG08U5M-LCB0 35nm 4x32 Gbit NAND Flash*”
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## **LIST OF APPENDICES**

- A. One bates-labeled, uncertified paper copy of the prosecution history of the '998 Patent, and three uncertified copies on CD. A certified copy has been requested from the USPTO and will be provided upon receipt.**
  
- B. Four copies on CDs of each reference mentioned in the prosecution history of the '998 Patent.**

## I. INTRODUCTION

1. STC.UNM (formerly known as Science & Technology Corporation @ UNM) ("STC" or "Complainant") requests that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation by the owner, importer, or consignee, of certain semiconductor devices made by advanced lithography techniques and products containing the same (collectively referred to as "the accused products") that infringe a valid and enforceable United States patent owned by STC.
2. On information and belief, the proposed respondents, Taiwan Semiconductor Manufacturing Company Limited ("TSMC") and Samsung Electronics Company Limited ("Samsung"), have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of accused products that infringe one or more claims of United States Patent No. 6,042,998 ("the '998 patent" or "the asserted patent").
3. STC asserts that the accused products infringe at least claims 1, 6 and 7 of the '998 patent (collectively, "the asserted claims").

4. An uncertified copy of the '998 patent accompanies this Complaint as Exhibit 1. STC owns by assignment the entire right, title, and interest in and to this patent. Uncertified copies of the recorded assignments for the '998 patent accompanies this Complaint as Exhibit 2. Certified copies of the file history and assignments have been requested from the USPTO and will be provided upon receipt.
5. As required by Section 337(a)(2), and defined by Section 337(a)(3), an industry in the United States exists relating to the asserted patent.
6. STC seeks a permanent exclusion order, pursuant to Section 337(d), excluding from entry into the United States the proposed respondents accused products that infringe one or more claims of the asserted patent. STC also seeks a permanent cease and desist order, pursuant to Section 337(f), directing the proposed respondents to cease and desist from the importation, marketing, advertising, demonstrating, and warehousing inventory of such accused products for distribution, sale and use in the United States.

## II. THE COMPLAINANT

7. STC is a nonprofit corporation formed, and owned entirely, by the Regents of the University of New Mexico. STC's principal place of business is at 801 University Blvd., SE Suite 101 Albuquerque, New Mexico 87106.

8. STC was formed in 1995 by the Regents of the University to protect and transfer its faculty inventions to the commercial marketplace.

### III. THE PROPOSED RESPONDENTS

9. Upon information and belief, TSMC is a Taiwanese Corporation having its principal place of business at 8, Li-Hsin Rd. 6, Hsinchu Science Park, Hsinchu, Taiwan 300-77. On information and belief, TSMC develops, manufactures, and markets semiconductor devices that are made using methods that infringe the asserted patent. On information and belief, the accused devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, TSMC and/or others then sell the accused devices for importation into the United States, import the accused devices into the United States, and/or sell them after they have been imported into the United States.

10. Upon information and belief, Samsung is a Korean corporation with a principal place of business at 250, Taepyongro 2-ga, Jung-gu, Seoul 100-742, South Korea. On information and belief, Samsung develops, manufactures, and markets semiconductor devices that are made using methods that infringe the asserted patent. On information and belief, the accused devices are manufactured, assembled, and/or packaged and tested outside of the United States. On information and belief, Samsung and/or others then sell the accused devices for



importation into the United States, import the accused devices into the United States, and/or sell them after they have been imported into the United States.

11. Because of the nascent stage of the industry's adoption of the technology, STC does not know all of the potential respondents as of yet, but may add them to the investigation as they become known.

#### **IV. THE TECHNOLOGIES AND PRODUCTS AT ISSUE**

12. The technologies at issue relate generally to lithographic methods known as double patterning that are used for manufacturing small feature sizes during semiconductor fabrication.

13. The accused products that practice the asserted patents are semiconductor devices, including semiconductors made with current leading edge technology, *e.g.*, 30 nanometer critical dimensions (*i.e.*, 30-37nm) and below.

#### **V. THE '998 PATENT**

##### **A. Identification of the Patent and Ownership by STC**

14. The '998 patent is entitled "Method and Apparatus for Extending Spatial Frequencies in Photolithography Images," and issued on March 28, 2000. The '998 patent issued from U.S. Patent Application Serial No. 08/932,428 filed on September 17, 1997.

15. The '998 patent identifies Steven R.J. Brueck and Saleem H. Zaidi as the inventors.<sup>1</sup>
16. The lead named inventor on the '998 patent, Dr. Brueck, is the Director of the University's Center for High Technology Materials. In addition to his position at the Center for High Technology Materials, Dr. Brueck is a Distinguished Professor of Electrical and Computer Engineering at the University of New Mexico – the highest faculty title that the University bestows.
17. Dr. Brueck is a Fellow of the Institute of Electronic and Electrical Engineers ("IEEE"), a title conferred on those engineers who have demonstrated outstanding proficiency and have achieved distinction in their profession. See [www.ieee.org](http://www.ieee.org).
18. Dr. Brueck is also a Fellow of the Optical Society of America, a title awarded by that organization for distinguished achievement in the field of optics. See [www.osa.org](http://www.osa.org).
19. In addition, Dr. Brueck is a Fellow of the American Association for the Advancement of Science, a title awarded for meritorious efforts to advance science or its applications. See [www.aaas.org](http://www.aaas.org).
20. Among the numerous awards Dr. Brueck has received is the IEEE Third Millennium Medal.

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<sup>1</sup> STC filed a petition to correct a clerical error in the inventorship of the '998 patent with the Patent Office on May 22, 2008. (App. A, at STC0000058-69). The Patent Office has not yet acted on the petition.

21. STC is the owner, by valid assignment, of the entire right, title and interest in and to the '998 patent. See Exhibit 2. The '998 patent is valid, enforceable, and is currently in full force and effect.

22. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by copies of the prosecution history of the '998 patent (Appendix A), and each reference mentioned in that prosecution history (Appendix B). Certified copies of the prosecution history have been requested from the USPTO and will be provided upon receipt.

#### **B. Non-Technical Description of the Patented Invention<sup>2</sup>**

23. In general, the '998 patent relates to lithography techniques known as double patterning. As critical dimensions in the semiconductor devices become smaller, semiconductor manufacturers are approaching the resolution limit of the existing photolithography equipment. It is accepted that the resolution limit of current lithography light sources is about 38nm, and that it is impossible to print feature sizes below that critical dimension without advanced lithography techniques.

24. The patented invention uses two layers of photoresist to form features in the same device layer. The combination of spatial frequencies obtained from each

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<sup>2</sup> The text in this complaint, including this section (i.e., "Non-Technical Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '998 patent.

layer of developed photoresist layers achieves high spatial frequencies that are not possible with only one layer of resist material. The high spatial frequencies that are obtained correlate to smaller device features and spaces, *i.e.*, with critical dimensions of 38nm or less.

### C. Foreign Counterparts to the '998 Patent

25. There are no foreign counterparts, foreign patent applications (not already issued as a patent), or foreign patent applications that have been denied, abandoned or withdrawn corresponding to the '998 patent.

## VI. UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS

### A. TSMC

26. On or about, December 11, 2007, TSMC announced that it “developed the first 32-nanometer (nm) technology that supports both analog and digital functionality. . . . a 0.15um<sup>2</sup> high density SRAM cell has been realized by 193nm immersion lithography using *double patterning approach*.” TSMC Press Release (Dec. 11, 2007) [Exh. 7] (emphasis added).

27. On or about, February 19, 2008, the Senior Director of the Micropatterning Division of TSMC, Mr. Burn Lin, acknowledged that it is not possible to resolve 32nm nodes without the use of double patterning: “Well, I can say double patterning, in general, everybody knows that as you got to 32nm half pitch it is not possible to resolve with a 1.35NA. So, if anyone attempts to do a half pitch in that vicinity, then they have to resort to *double patterning*.” *Preparing for High-*

*Volume Immersion Lithography* (Feb. 19, 2008) [www.semiconductor.net/webcasts](http://www.semiconductor.net/webcasts). [Exh. 8] (emphasis added).

28. On or about April 28, 2008, the Vice President of Research and Development at TSMC, Jack Sun, acknowledged that TSMC's 32nm process will require some *double patterning* to avoid corner rounding at the critical layers. *TSMC Sketches 32nm Rollout Plan for 2009*, Semiconductor International (April 28, 2008) [Exh. 9].

29. On information and belief, the TSMC accused products infringe at least claims 1, 6 and 7 of the '998 patent. On information and belief, the TSMC accused products are manufactured, assembled and/or packaged and tested outside of the United States, specifically, at least in Taiwan. These same products are then imported into the United States, sold for importation into the United States, and/or sold after importation in the United States. The aforesaid acts of respondent constitute infringement of the asserted claims of the '998 patent under the patent laws of the United States. Thus, the importation into the United States, sale for importation into the United States, and/or sale after importation in the United States of the accused products infringe the asserted claims of the '998 patent.

30. While the TSMC accused products that infringe the asserted claims of the '998 patent include, but are not limited to, at least the accused semiconductor chips made with 30nm critical dimensions and below, further discovery may reveal

additional claims that are being infringed as well as additional infringing products and/or models.

31. A claim chart demonstrating how the asserted claims of the '998 patent read on the TSMC accused products is attached as Exhibit 3.

32. A declaration from Dr. Chris Mack, a leading lithography expert, providing a further explanation of TSMC's infringement, is attached as Exhibit 5.

### **B. Samsung**

33. On or about October 23, 2007, "Samsung . . . announced today that it has developed the world's first 64 Gigabit (Gb) multi level cell (MLC) NAND flash memory chip - using 30-nanometer (nm)-class process technology. . . . The new flash device was successfully developed through the use of a new manufacturing process called self-aligned *double patterning* technology (SaDPT). In SaDPT, the 1st pattern transfer is a widerspaced circuit design of the target process technology, while the 2nd pattern transfer fills in the spaced area with a more closely designed pattern." Samsung Press Release, October 23, 2007 (emphasis added) [Exh. 13].

34. The press release further stated that "Samsung's SaDPT will employ existing photolithography equipment in 30nm-class production, which is expected to be commercialized beginning in 2009." *Id.*

35. On information and belief, the Samsung accused products infringe at least claims 1, 6 and 7 of the '998 patent. On information and belief, the Samsung accused products are manufactured, assembled and/or packaged and tested

outside of the United States, specifically, at least in Korea. These same products are then imported into the United States, sold for importation into the United States, and/or sold after importation in the United States. The aforesaid acts of respondent constitute infringement of the asserted claims of the '998 patent under the patent laws of the United States. Thus, the importation into the United States, sale for importation into the United States, and/or sale after importation in the United States of the accused products infringe the asserted claims of the '998 patent.

36. While the accused products that infringe the asserted claims of the '998 patent include, but are not limited to, at least the accused semiconductor chips made with 30nm critical dimensions and below, further discovery may reveal additional claims that are being infringed as well as additional infringing products and/or models.

37. A claim chart demonstrating how the asserted claims of the '998 patent read on the Samsung accused products is attached as Exhibit 4.

38. Dr. Mack's, declaration, provides further explanation of Samsung's infringement. [Exh. 5].

## VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

### A. TSMC

39. Upon information and belief, TSMC manufactures the accused products outside of the United States and has begun to import into the United States and has sold and/or offered for sale such products to its customers, including at least Altera Corporation (“Altera”) and Xilinx, Inc. (“Xilinx”). Mack Decl. [Exh. 5], ¶34.

#### 1. TSMC 28nm Prototyping Services & Importation Practices

40. TSMC’s current product brochure for its 28nm process states that TSMC’s 28nm process technology “will be available for production in early 2010.” Exh. 28.

41. On September 29, 2008, TSMC announced its plans to deliver its 28nm process with initial production expected in the first quarter of 2010. TSMC Press Release (September 29, 2008) [Exh. 19].

42. In that same press release TSMC announced that its 28nm technologies were currently supported by alpha version design kits, and that its CyberShuttle prototyping service would begin near the end of 2008. *Id.*

43. CyberShuttle is a service that TSMC provides to its customers for the design and delivery of prototype wafers. CyberShuttle Service Brochure, at 2 [Exh. 20].

44. TSMC’s current brochure for its CyberShuttle prototyping service covers a broad number of process technologies, including its 28 nanometer process. *Id.*

45. That same brochure provides a timeline of the CyberShuttle process that states that TSMC “ships” the prototype wafers to the ordering customers after the wafers are processed. *Id.* at 3; *see also Id.* at 4 (“after TSMC ships the die . . .”).



46. Thus, it is normal practice for TSMC to ship numerous prototype wafers to its customers during the development of new technology nodes. Mack Decl. [Exh. 5], ¶38.

## 2. TSMC Has Imported 28nm Devices to Altera

47. On March 30, 2009, the CEO of Altera, located in California, reported that “Altera is moving directly to 28nm, by-passing the 32nm node,” and that Altera asked “TSMC for their most aggressive process.” *Altera by-passing 32nm, moving direct to 28nm, says CEO*, Electronics Weekly (March 2009) [Exh. 18].

48. Altera states in its annual report that it tests new products under development at its San Jose pilot line facility. Altera Corporation 2008 Form 10-K at 12 [Exh. 17]. Altera tests prototype chips “to try out specific functions before putting them together.” *Altera by-passing 32nm, moving direct to 28nm, says CEO*, Electronics Weekly (March 2009) [Exh. 18].

49. It has been reported that Altera has already received 28 nm test chips “*back*” from TSMC, indicating that such chips originated in Taiwan, and were sent to Altera in the United States. *See id.* (emphasis added).

50. Altera has stated it will ship 28nm products in 2010. *Altera to Focus on 28nm Node* (January 20, 2010) [Exh. 24].

51. Accordingly, upon information and belief, TSMC’s accused 28nm test chips have been imported into the United States, given that Altera tests new products on its pilot line in California, and Altera’s CEO has stated that it has had 28nm test chips from TSMC. Mack Decl. [Exh. 5], ¶43.

### 3. TSMC Has Imported 28nm Devices to Xilinx

52. Xilinx, located in California, has previously partnered with United Microelectronics Corporation of Taiwan for its foundry needs for the technology nodes of 40nm and 65nm. *Xilinx 28nm Technology Platform Announcement, Frequently Asked Questions*. [Exh. 21].
53. On February 22, 2010, Xilinx announced that it has chosen TSMC to provide it with TSMC's 28nm high-k metal gate high performance low-power process for its next generation FPGAs. Xilinx Press Release (February 22, 2010). [Exh. 22].
54. On February 19, 2010 Xilinx issued a white paper describing its 28nm FPGA where it describes the time-to-market development of its products. *Xilinx Next Generation 28 nm FPGA Technology Overview* (February 19, 2010). [Exh. 23].
55. The first stage of the development process "starts with fab partners *delivering* technology-specific test structures . . .". *Id.* at 7 (emphasis added).
56. The white paper further states that test structures made in the first stage of the development process are made with "immersion lithography," indicating that test structures made with a 28 nm critical dimension were made with methods protected by the '998 patent. *Id.*
57. "Xilinx has been developing its 28 nm process technology since 2007 with multiple test vehicles to ensure fast, reliable introduction of next-generation FPGAs." *Id.* at 8 (emphasis added).

58. Xilinx has stated it will ship 28nm products in the fourth quarter of 2010. *Xilinx 28nm Technology Platform Announcement, Frequently Asked Questions*, at 1 [Exh. 21].

59. Accordingly, upon information and belief, TSMC has imported infringing products into the United States, given that Xilinx has indicated it has received multiple 28nm test vehicles from TSMC. Mack Decl. [Exh. 5], ¶48.

#### 4. TSMC's Prototype and Test Chips Infringe the '998 Patent

60. Because the prototype and test chips are below 38nm in dimension, the 28nm devices that Altera and Xilinx received in the United States from TSMC necessarily infringe the '998 patent. *Id.*, ¶49.

61. The accused products and/or downstream products that incorporate the accused products are believed to fall within at least classification 8541-8542, and related subheadings, of the Harmonized Tariff Schedules of the United States. This classification is intended for illustration only, and is not intended to be restrictive in describing the accused products.

62. Further discovery likely will reveal additional specific acts of importation, sale for importation, and/or sale after importation of the accused products. For example, it has been reported that both NetLogic Microsystems and Qualcomm are collaborating with TSMC on 28nm process technology. [Exhs. 26 & 27].

## **B. Samsung**

63. Upon information and belief, Samsung manufactures the accused products outside of the United States and has begun to import into the United States and has sold and/or offered for sale such products to its customers, including at Apple, Inc. (“Apple”) of California. Mack Decl. [Exh. 5], ¶50.

### **1. Samsung Has Sold For Importation 30nm Devices**

64. STC purchased an iPad from the Apple retail store in Chicago, Illinois on May 4, 2010, and confirmed that the iPad product contained Samsung NAND flash chips, numbered K9HDG08U5M-LCB0 [Exh. 25 & 29]. The iPad is labeled as being assembled in China [Exh. 29], and upon information and belief the subject Samsung NAND flash is manufactured in Korea.

65. Third party labs have reported that the Samsung NAND flash chip found in the Apple iPad is fabricated with a 34nm critical dimension. [Exh. 16].

### **2. Samsung’s 30nm NAND Flash Infringes the ‘998 Patent**

66. STC has employed the services of an independent third-party laboratory to analyze the Samsung chip, which confirmed that the K9HDG08U5M-LCB0 chip was fabricated with a 34nm critical dimension. [Exh. 14]

67. Because the K9HDG08U5M-LCB0 chips are below 38nm in dimension, the Samsung NAND flash devices in the Apple iPad necessarily infringe the ‘998 patent. Mack Decl. [Exh. 5, ¶31].

68. The accused products and/or downstream products that incorporate the accused products are believed to fall within at least classification 8541-8542, and related subheadings, of the Harmonized Tariff Schedules of the United States. This classification is intended for illustration only, and is not intended to be restrictive in describing the accused products.

69. Further discovery likely will reveal additional specific acts of importation, sale for importation, and/or sale after importation of the accused products.

#### **VIII. LICENSEES**

70. STC has licensed the '998 patent to Toshiba Corporation, NEC Electronics Corporation, and Renesas Technology Corporation. There are no other licensees to the '998 patent.

#### **IX. DOMESTIC INDUSTRY**

71. As required by Section 337(a)(2), and defined by Section 337(a)(3), an industry in the United States exists in connection with the asserted patent.

72. STC currently offers an extensive portfolio of over 360 technologies available for licensing, and negotiates approximately 28 technology transfer contracts per year. The '998 patent is a significant part of STC's overall intellectual property portfolio. Kuuttila Decl. (Exh. 6), ¶ 2.

73. STC employs 12 regular full-time and part-time employees devoted to the licensing of technology on behalf of UNM, including the '998 patent. These 12

employees include the President and CEO of STC, a communications specialist, three licensing specialists, an intellectual property coordinator, a marketing operations coordinator, an agreements coordinator, a disclosure and compliance coordinator, and a chief financial officer. Also affiliated with STC are 8 student interns. Organizationally, the President of STC reports to the Board of Directors of STC. *Id.*, ¶ 3.

74. STC has a substantial operating budget that is apportioned for salaries and benefits, and for operating expenses and services. *Id.*, ¶ 4.<sup>3</sup>

75. STC is the owner by assignment of the '998 patent. *Id.*, ¶ 5.

76. STC has invested a substantial amount in patent costs relating to the '998 patent, including patent prosecution costs and maintenance fees. *Id.*, ¶ 6.

77. STC does not itself manufacture products embodying the '998 patent. *Id.*, ¶ 7.

78. Dr. Brueck performed the research underlying the '998 patent at the Center for High Technology Material (CHTM) at the University in Albuquerque, New Mexico. *Id.*, ¶ 8.

79. CHTM is a nationally recognized center for photonics and microelectronics research and has a current annual research budget of approximately 7 million dollars. *Id.*, ¶ 9.

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<sup>3</sup> Specific dollar amounts and other confidential information regarding STC's domestic industry are provided in the confidential version of the Declaration of Elizabeth Kuuttilla [Confidential Exh. 6].

80. During the time of Dr. Brueck's research that lead to the inventions disclosed in the '998 patent, CHTM had an annual research budget of approximately \$5.16M in 1995, \$6.52M in 1996, and \$12.22M in 1997. *Id.*, ¶ 10.
81. Approximately 15% of CHTM's facilities were apportioned to Dr. Brueck's research that lead to the inventions disclosed in the '998 patent. *Id.*, ¶ 11.
82. The University invested further financial resources to support the research in the form of Dr. Brueck's salary. *Id.*, ¶ 12.
83. Beginning in 2007, once it was certain that the semiconductor industry would adopt the technology covered by the '998 patent, STC began an intensive effort to license the '998 patent. *Id.* ¶ 13.
84. Since 2007, STC has met face-to-face with several different companies regarding licensing of the '998 patent for their domestic activities and/or importation of infringing of product made using methods covered by the '998 patent into the United States. *Id.*, ¶ 14.
85. To date, STC has incurred substantial expenses in its focused efforts to license the '998 patent. *Id.*, ¶ 15.
86. Numerous different employees of the STC staff have worked hundreds of hours relating to its focused efforts to license the '998 patent. *Id.*, ¶ 16.
87. In March of 2009, as part of its licensing efforts, STC brought a patent infringement suit against Toshiba Corporation in federal court in the District of New Mexico in a case styled as *The Science and Technology Corporation of the*

*University of New Mexico, vs. Toshiba America Electronic Components, Inc. and Toshiba Corporation*, Case No. 1:09-cv-00310-RB-LFG. *Id.*, ¶ 17.

88. As a result of its licensing efforts, STC has licensed the '998 patent to Toshiba Corporation, NEC Electronics Corporation, and Renesas Technology Corporation. *Id.*, ¶ 18.

89. Based on STC's substantial expenditures related to the research, development and licensing of the '998 patent a domestic industry exists in the United States.

## **X. RELATED LITIGATION**

90. In March of 2009, STC brought a patent infringement suit against Toshiba Corporation in federal court in the District of New Mexico in a case styled as *The Science and Technology Corporation of the University of New Mexico, vs. Toshiba America Electronic Components, Inc. and Toshiba Corporation*, Case No. 1:09-cv-00310-RB-LFG.

91. STC dismissed its case against Toshiba on October 1, 2009, after Toshiba entered into a license agreement with STC under the '998 patent.

92. The alleged unfair methods of competition and unfair acts, or the subject matter thereof, are not the subject of any other court or agency litigation.



## **XI. RELIEF REQUESTED**

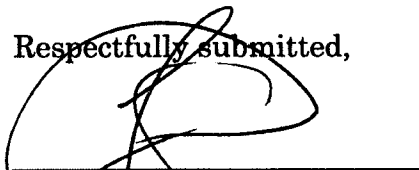
WHEREFORE, by reason of the foregoing, STC requests that the United States International Trade Commission:

- (a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on the respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain semiconductor devices made by advanced lithographic techniques and products containing the same, which infringe one or more claims of United States Patent No. 6,042,998;
- (b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;
- (c) Issue a permanent exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of the respondents' semiconductor devices made by advanced lithographic techniques, and products containing the same, which infringe one or more claims of United States Patent No. 6,042,998;

- (d) Issue a permanent cease and desist orders, pursuant to Section 337 (f) of the Tariff Act of 1930, as amended, directing the respondents to cease and desist from the importation, marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use of certain semiconductor devices made by advanced lithographic techniques and products containing the same, which infringe one or more claims of United States Patent No. 6,042,998; and
- (e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

June 23, 2010

Respectfully submitted,



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*Attorneys for STC.UNM*

**CERTIFICATION PURSUANT TO 19 C.F.R. § 210.12(a)(1)**

I, Elizabeth Kuuttilla, the President and CEO of STC Corporation ("STC"), located at 801 University Blvd., SE, Suite 101, Albuquerque, NM 87106, Telephone 505-272-7900, hereby declare under penalty of perjury that I have read this Complaint, and that: 1) It is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding; 2) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and 3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

June 16, 2010

  
Elizabeth Kuuttilla