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LINTEC CORPORATION

13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16
17 LINTEC CORPORATION, a Japanese
corporation,
18 Plaintiff,
19 v.
20 DISCO CORPORATION, a Japanese
corporation; and DISCO HI-TEC EUROPE,
GMBH, a German limited liability company,
21 Defendants.

No.

**LINTEC CORPORATION'S
COMPLAINT AGAINST DISCO
CORPORATION AND DISCO
HI-TEC EUROPE GMBH**

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23
24 Plaintiff Lintec Corporation files this Complaint against Defendants Disco
25 Corporation and Disco Hi-Tec Europe GmbH, and alleges as follows:

26 **NATURE OF ACTION**

27 1. This is an action for a Declaratory Judgment of Correct Inventorship. In
28 *Priewasser v. Lintec Corp. & Lintec of America, Inc.*, Case No. 2:13-cv-01109-SRB (D.

1 Ariz., filed May 31, 2013) (the “Parallel Proceeding”) presently pending before this
2 Court, Plaintiff Lintec Corporation (“Lintec”) is defending against claims brought by
3 Karl Heinz Priewasser (“Priewasser”), an Executive Vice President of Disco Hi-Tec
4 Europe GmbH (“Disco Hi-Tec”), which is a subsidiary of Disco Corporation (“Disco”).
5 In that case, Priewasser claims, *inter alia*, that he is an inventor of a patent owned by
6 Lintec.

7 2. Upon information and belief, Priewasser was obligated to assign any
8 rights to the purported invention he allegedly conceived to Disco and/or Disco Hi-Tec
9 as a result of his employment. Upon information and belief, Priewasser also was
10 obligated to assign any other purported intellectual property rights, and any claims
11 and/or causes of action related thereto as set forth in the Complaint in the Parallel
12 Proceeding, to Disco and/or Disco Hi-Tec as a result of his employment. Therefore,
13 Defendants Disco and Disco Hi-Tec would be the true and correct owners of the alleged
14 intellectual property rights if Priewasser’s allegations of inventorship in the Parallel
15 Proceeding were valid. As such, Plaintiff seeks from this Court an Order declaring that
16 the inventorship of the patent at issue in the Parallel Proceeding is correct, and resolving
17 this controversy between Disco and Disco Hi-Tec in favor of Lintec.

18 **CONSOLIDATION WITH THE PARALLEL PROCEEDING:**

19 ***Priewasser v. Lintec Corp. & Lintec of America, Inc.,***

20 **Case No. 2:13-cv-01109-SRB (D. Ariz., filed May 31, 2013)**

21 3. On November 20, 2013, Lintec filed counterclaims against Priewasser,
22 Disco, and Disco Hi-Tec in the Parallel Proceeding. [Dkt. No. 27.] Those
23 counterclaims are substantively the same as the claims set forth in this Complaint. On
24 November 25, 2013, during the Scheduling Conference, the Court intimated that
25 Lintec’s filing of “counterclaims” against third parties Disco and Disco Hi-Tec may
26 have been procedurally improper. Counsel for Lintec informed the Court that Lintec
27 would evaluate its “counterclaim” designation and determine if those claims should
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1 have been brought in some other manner. Lintec has concluded that its claims against
2 Disco and Disco Hi-Tec may properly be brought as “third-party claims” in the Parallel
3 Proceeding. Accordingly, on November 26, 2013, Lintec filed an amended
4 counterclaim against Priewasser [Dkt. No. 36] and a separate third-party complaint
5 against Disco and Disco Hi-Tec [Dkt. No. 37] in the Parallel Proceeding. Those third-
6 party claims are substantively the same as the claims set forth in this Complaint.

7 4. Lintec has nonetheless filed this separate action out of an abundance of
8 caution in the unforeseen event that the Court determines that Lintec’s filing of third-
9 party claims against Disco and Disco Hi-Tec in the Parallel Proceeding is for some
10 reason procedurally improper. In view of the substantial length of time required to
11 serve Disco in Japan and Disco Hi-Tec in Germany, Lintec believes that proceeding
12 promptly and simultaneously with both actions ensures that those two foreign parties
13 may be served as soon as practicable in both actions. Of course, Lintec intends to
14 proceed against Priewasser, Disco, and Disco Hi-Tec in only a single proceeding: either
15 (and preferably) only in the Parallel Proceeding (thereby dismissing this action without
16 prejudice in due course), or only in a consolidated proceeding (by seeking to consolidate
17 this action with the Parallel Proceeding in due course). Thus, Lintec does not intend to
18 in any way multiply the proceedings or duplicate any substantive efforts expended by
19 the Court or the parties.

20 PARTIES

21 5. Lintec Corporation (“Lintec”) is a corporation organized and existing
22 under the laws of Japan, with its principal place of business at 23-23 Honcho, Itabashi-
23 ku, Tokyo 173-0001 Japan.

24 6. Disco Corporation (“Disco”) is a corporation organized and existing under
25 the laws of Japan, with its principal place of business at 13-11 Omori-Kita 2-chome,
26 Ota-ku, Tokyo 143-8580 Japan.

27 7. Disco Hi-Tec Europe GmbH (“Disco Hi-Tec”) is a limited liability
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1 company organized and existing under the laws of Germany, with its principal place of
2 business at Liebigstraße 8, 85551 Kirchheim bei München, Germany. Upon
3 information and belief, Priewasser, the Plaintiff in the Parallel Proceeding, is an
4 Executive Vice President of Disco Hi-Tec.

5 **JURISDICTION AND VENUE**

6 8. Lintec seeks, *inter alia*, a declaratory judgment in a case of actual
7 controversy between Lintec Corporation and Disco and/or Disco Hi-Tec arising under
8 the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and the Patent Act, 35
9 U.S.C. § 100, *et seq.*

10 9. This Court has subject matter jurisdiction over these claims pursuant to 28
11 U.S.C. §§ 1331, 1332, 1367, and 1338.

12 10. This Court has personal jurisdiction over Disco on the basis of, *inter alia*,
13 its contacts with this District relating to the subject matter of the Parallel Proceeding,
14 including having filed the Parallel Proceeding in this District in the name of one of its
15 agent and/or representative, Karl Priewasser. Personal jurisdiction over Disco comports
16 with the United States Constitution and is proper because of Disco’s purposeful
17 availment, through its agent and/or representative Priewasser, of the benefits and
18 protections of this forum by filing the Parallel Proceeding. For example, Priewasser
19 originally assigned U.S. Patent No. 7,115,485, entitled “METHOD FOR PROCESSING
20 WAFER” to Disco on July 20, 2004, and recorded with the U.S. Patent and Trademark
21 Office (USPTO) on September 23, 2004. Upon information and belief, in preparation
22 for filing the Parallel Proceeding, Disco re-assigned that patent to Priewasser on May
23 28, 2013, and Disco and/or Priewasser recorded that assignment with the USPTO on
24 May 30, 2013, *one day* before Disco filed the Parallel Proceeding in the name of its
25 agent and/or representative Priewasser on May 31, 2013. Upon information and belief,
26 this conduct demonstrates Disco’s purposeful complicity with Priewasser and direct
27 involvement in the filing of the Parallel Proceeding.
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1 11. In addition, this Court has personal jurisdiction over Disco because Disco
2 is regularly doing business in this judicial district. For example, Disco’s 2012
3 Corporate Report states that Disco has a “Branch/Affiliate Office” in Phoenix, Arizona
4 and an “Agent” in Scottsdale, Arizona. Ex. A at 1–2. Attached hereto as Exhibit A is a
5 true and correct copy of excerpts of that Report. Further, Disco Corporation’s website
6 (<http://www.disco.co.jp/eg/contact/index1.html>) states that Disco has a “DISCO
7 Office[]” in Tempe, Arizona for the “[s]ales and maintenance of DISCO’s
8 dicing/cutting saws, grinders, blades/wheels, and related machines”, and that Disco has
9 an “Agent Office[]” in Scottsdale, Arizona for the “[s]ales and maintenance of DISCO’s
10 dicing/cutting saws, grinders, blades/wheels, and related machines.” Ex. B at 1–2.
11 Attached hereto as Exhibit B is a true and correct copy of that website page. Upon
12 information and belief, Disco employees have visited Intel Corporation’s Chandler,
13 Arizona location. Upon information and belief, Disco also ships products directly to
14 Intel Corporation’s Chandler, Arizona facility. For example, a Disco Corporation April
15 20, 2011 Press Release states that DISCO Corporation had received Intel Corporation’s
16 Supplier Continuous Quality Improvement (SCQI) award and that “[a] celebration to
17 honor SCQI award winners will be held in conjunction with Intel’s Supplier Day in
18 Scottsdale, Arizona.” Ex. C at 1. Attached hereto as Exhibit C is a true and correct
19 copy of that Press Release.

20 12. In addition, this Court has personal jurisdiction over Disco because, upon
21 information and belief, Disco has an interest in the subject matter claimed by Priewasser
22 in his Complaint in the Parallel Proceeding. Upon information and belief, Priewasser
23 was obligated to assign any rights in the purported invention, as set forth in the
24 Complaint, to Disco as a result of his employment. For example, with respect to the
25 endeavors allegedly made by Priewasser as set forth in the Complaint, documents
26 provided by Priewasser demonstrate that those alleged endeavors were made in his
27 capacity as a representative and/or agent of Disco, not as a private individual. Upon
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1 information and belief, Priewasser was obligated to assign any purported intellectual
2 property rights, and any claims and/or causes of action related thereto as set forth in the
3 Complaint, to Disco as a result of his employment. For example, Disco is the original
4 assignee of five of Priewasser's six U.S. patents, including U.S. Patent No. 7,115,485
5 entitled "METHOD FOR PROCESSING WAFER", and Disco remains as the current
6 assignee of four of those six patents.

7 13. This Court has personal jurisdiction over Disco Hi-Tec on the basis of,
8 *inter alia*, its contacts with this District relating to the subject matter of the Parallel
9 Proceeding, including having filed the Parallel Proceeding in this District in the name of
10 its Executive Vice President, Karl Priewasser. Personal jurisdiction over Disco Hi-Tec
11 comports with the United States Constitution and is proper because of Disco Hi-Tec's
12 purposeful availment, through its executive officer Priewasser, of the benefits and
13 protections of this forum by filing the Parallel Proceeding.

14 14. In addition, this Court has personal jurisdiction over Disco Hi-Tec
15 because, upon information and belief, Disco Hi-Tec is regularly doing business in this
16 judicial district, at least through its executive officer, Karl Priewasser. Further, upon
17 information and belief, Disco Hi-Tec has an interest in the subject matter claimed by
18 Priewasser in his Complaint in the Parallel Proceeding. For example, with respect to the
19 endeavors allegedly made by Priewasser as set forth in the Complaint, documents
20 provided by Priewasser demonstrate that those alleged endeavors were made in his
21 capacity as an employee and/or officer of Disco Hi-Tec, not as a private individual.
22 Upon information and belief, Priewasser was obligated to assign any purported
23 intellectual property rights, and any claims and/or causes of action related thereto as set
24 forth in the Complaint, to Disco Hi-Tec as a result of his employment. For example,
25 Disco Hi-Tec is the assignee of one of Priewasser's six U.S. patents.

26 15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and by
27 virtue of Priewasser's choice of forum.
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GENERAL ALLEGATIONS

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2 16. U.S. Patent No. 7,438,631 (“the ’631 patent”) is assigned to Lintec.
3 Through the Parallel Proceeding, Priewasser claims that he is an inventor of one or
4 more inventions claimed by the ’631 patent.

5 17. Priewasser alleges that he conceived of the invention(s) claimed by the
6 ’631 patent in 2003. Upon information and belief, Priewasser was employed by Disco
7 Hi-Tec at the time he alleges that he conceived of the invention claimed by the ’631
8 patent.

9 18. Priewasser is a named inventor on six U.S. patents: (1) U.S. Patent No.
10 7,087,502 (“the ’502 patent”), entitled “Method for generating chip stacks”; (2) U.S.
11 Patent No. 7,115,485 (“the ’485 patent”), entitled “Method for processing wafer ”; (3)
12 U.S. Patent No. 7,413,501 (“the ’501 patent”), entitled “Method for concave grinding of
13 wafer and unevenness-absorbing pad”; (4) U.S. Patent No. 7,520,309 (“the ’309
14 patent”), entitled “Method for adhering protecting tape of wafer and adhering
15 apparatus”; (5) U.S. Patent No. 7,708,855 (“the ’855 patent”), entitled “Method for
16 processing a semiconductor wafer”; and (6) U.S. Patent No. 8,026,153 (“the ’153
17 patent”), entitled “Wafer processing method.” The original assignee of each of these
18 patents is either Disco or Disco Hi-Tec.

19 19. The application for the ’502 patent was filed on September 16, 2004 and
20 lists a priority date of September 17, 2003. The original assignee of the ’502 patent is
21 Disco Hi-Tec.

22 20. The application for the ’485 patent was filed on September 23, 2004 and
23 lists a priority date of September 26, 2003. The original assignee of the ’485 patent is
24 Disco. Upon information and belief, Disco and Priewasser executed an agreement on
25 May 28, 2013 (“Assignment), purporting to assign the ’485 patent to Priewasser. On
26 May 30, 2013, Disco and/or Priewasser recorded the Assignment with the U.S. Patent
27 and Trademark Office.
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Dated: November 26, 2013

By: s/ George C. Chen

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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2013, I electronically submitted the foregoing Lintec Corporation's Complaint Against Disco Corporation and Disco Hi-Tec Europe GmbH, to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: November 26, 2013 By: s/ Lisa Remus