

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HOME SEMICONDUCTOR CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
SAMSUNG ELECTRONICS CO., LTD.,)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS AMERICA,)	
INC., SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC, and SAMSUNG)	
SEMICONDUCTOR, INC.,)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Home Semiconductor Corporation (“Plaintiff” or “Home Semiconductor”) by and through its undersigned counsel, files this Complaint against Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLC; and Samsung Semiconductor, Inc. (collectively, “Samsung”).

THE PARTIES

1. Home Semiconductor is a Delaware corporation having its principal place of business at 3422 Old Capitol Trail, Suite 700, Wilmington, Delaware 19808-6192, U.S.A.
2. Upon information and belief, Samsung Electronics Co., Ltd. (“SEC”) is a Korean corporation having its principal place of business at 250 2 Ka Taepyung, Ro Chung Ku, Seoul, Korea M5 100742.
3. Upon information and belief, Samsung Electronics America, Inc. (“SEA”) is a New York corporation having its principal place of business at 85

Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, SEA is a wholly-owned subsidiary of SEC.

4. Upon information and belief, Samsung Telecommunications America, LLC (“STA”) is a Delaware limited liability company having its principal place of business at 1301 E. Lookout Drive, Richardson, Texas 75082. Upon information and belief, STA is a wholly-owned subsidiary of SEA.

5. Upon information and belief, Samsung Semiconductor, Inc. (“SSI”) is a California corporation having its principal place of business at 3655 North First Street, San Jose, California 95134 or 601 McCarthy Blvd., Milpitas, California 95035. Upon information and belief, SSI is a subsidiary of SEA.

6. Upon information and belief, Samsung has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought protection and benefit from the laws of the State of Delaware.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including but not limited to 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over SEC. SEC is amenable to service of summons for this action. Furthermore, personal jurisdiction over SEC in this action comports with due process. SEC has conducted and regularly conducts business within the United States and this District. SEC has purposefully availed itself of the

privileges of conducting business in the United States, and more specifically in the State of Delaware and this District. SEC has sought protection and benefit from the laws of the State of Delaware by forming its United States affiliate in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

9. SEC – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. SEC has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. SEC knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, SEC has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from SEC’s activities in this District.

10. This Court has personal jurisdiction over SEA. SEA is amenable to service of summons for this action. Furthermore, personal jurisdiction over SEA in this action comports with due process. SEA has conducted and regularly conducts business within the United States and this District. SEA has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State

of Delaware and this District. SEA has sought protection and benefit from the laws of the State of Delaware by forming its United States affiliate in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

11. SEA – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. SEA has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. SEA knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, SEA has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from SEA’s activities in this District.

12. This Court has personal jurisdiction over STA. STA is amenable to service of summons for this action. Furthermore, personal jurisdiction over STA in this action comports with due process. STA has conducted and regularly conducts business within the United States and this District. STA has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Delaware and this District. STA has sought protection and benefit from the laws of

the State of Delaware by forming in this District and/or by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

13. STA – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. STA has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. STA knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, STA has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District. Plaintiff’s cause of action for patent infringement arises directly from STA’s activities in this District.

14. This Court has personal jurisdiction over SSI. SSI is amenable to service of summons for this action. Furthermore, personal jurisdiction over SSI in this action comports with due process. SSI has conducted and regularly conducts business within the United States and this District. SSI has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Delaware and this District. SSI has sought protection and benefit from the laws of the State of Delaware by placing infringing products into the stream of commerce through an established distribution channel with the awareness and/or intent that they will be

purchased by consumers in this District.

15. SSI – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. SSI has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. SSI knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, SSI has committed the tort of patent infringement in this District and/or has induced others to commit patent infringement in this District.

Plaintiff’s cause of action for patent infringement arises directly from SSI’s activities in this District.

16. Venue is proper in this Court according to the venue provisions set forth by 28 U.S.C. §§ 1391(b)-(d) and 1400(b). Samsung is subject to personal jurisdiction in this District, and therefore is deemed to reside in this District for purposes of venue. Upon information and belief, Samsung has committed acts within this District giving rise to this action and does business in this District, including but not limited to making sales in this District, providing service and support to its respective customers in this District and/or operating an interactive website, available to persons in this District that advertises, markets, and/or offers for sale infringing products.

BACKGROUND

17. U.S. Patent No. 5,452,261 titled “Serial Address Generator for Burst

Memory” (the “’261 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on September 19, 1995, after full and fair examination. Jinyong Chung and Michael A. Murray are the inventors listed on the ’261 patent. The ’261 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’261 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’261 patent is attached as Exhibit A and made a part hereof.

18. U.S. Patent No. 6,030,893 titled “Chemical Vapor Deposition of Tungsten (W-CVD) Process for Growing Low Stress and Void Free Interconnect” (the “’893 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on February 29, 2000, after full and fair examination. Yung-Tsun Lo, Cheng-Hsun Tsai, Wen-Yu Ho and Sung-Chung Hsieh are the inventors listed on the ’893 patent. The ’893 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’893 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’893 patent is attached as Exhibit B and made a part hereof.

19. U.S. Patent No. 6,146,997 titled “Method for Forming Self-Aligned Contact Hole” (the “’997 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 14, 2000, after full and fair examination. Jacson Liu and Jing-Xian Huang are the inventors listed on the ’997 patent. The ’997 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’997 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’997 patent is attached as Exhibit C and

made a part hereof.

20. U.S. Patent No. 6,150,244 titled “Method for Fabricating MOS Transistor Having Raised Source and Drain” (the “’244 patent”) was duly and legally issued by the U.S. Patent and Trademark Office on November 21, 2000, after full and fair examination. Cheng-Tsung Ni is the sole inventor listed on the ’244 patent. The ’244 patent has been assigned to Plaintiff, and Plaintiff holds all rights, title, and interest in the ’244 patent, including the right to collect and receive damages for past, present and future infringements. A true and correct copy of the ’244 patent is attached as Exhibit D and made a part hereof.

21. Upon information and belief, Samsung makes, uses, offers to sell, and/or sells within, and/or imports into the United States products that incorporate the fundamental technologies covered by the ’261, ’893, ’997, and ’244 patents (collectively, the “patents-in-suit”).

22. Upon information and belief, distributors purchase and have purchased Samsung’s infringing products for sale or importation into the United States, including this District. Upon information and belief, consumers use and have used Samsung’s infringing products in the United States, including this District.

COUNT I

Patent Infringement of U.S. Patent No. 5,452,261

23. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-22 as though fully set forth herein.

24. The ’261 patent is valid and enforceable.

25. Samsung has never been licensed, either expressly or impliedly, under the

'261 patent.

26. Upon information and belief, Samsung has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '261 patent by making, using, offering to sell, and/or selling to manufacturers, distributors, customers and/or consumers (directly or through intermediaries and/or affiliates or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, or by inducing others to make, use, offer for sale, sell, and/or import into the United States, without authority, Samsung's dynamic random-access memories ("DRAMs") that include all of the limitations of one or more claims of the '261 patent, products containing Samsung's DRAMs that include all of the limitations of one or more claims of the '261 patent, and/or other products that include all of the limitations of one or more claims of the '261 patent. The accused products include but are not limited to Samsung DRAMs; and Samsung and non-Samsung branded smartphones, tablets, desktop PCs, notebook PCs, Chrome devices, Smart TVs, Blu-ray/DVD players, home theater systems, media players, cameras/camcorders, and printers that contain Samsung DRAMs.

27. Upon information and belief, distributors, customers and consumers that purchase Samsung's DRAMs that include all of the limitations of one or more claims of the '261 patent, products containing Samsung's DRAMs that include all of the limitations of one or more claims of the '261 patent, and/or other products made, sold or imported by Samsung that include all of the limitations of one or more claims of the '261 patent also directly infringe, either literally or under the doctrine of equivalents,

under 35 U.S.C. § 271(a), the '261 patent by using, offering to sell, and/or selling infringing products in this District and elsewhere in the United States.

28. Upon information and belief, Samsung had knowledge of the '261 patent and its infringing conduct at least since October 24, 2013 when Samsung was formally placed on notice of its infringement. In any event, Samsung had knowledge of the '261 patent and its infringing conduct no later than the filing date of this Complaint.

29. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Samsung on notice of its infringement, Samsung has actively induced, under 35 U.S.C. § 271(b), manufacturers, distributors, importers, customers and/or consumers to directly infringe one or more claims of the '261 patent. Since at least the notice provided on the above-mentioned date, Samsung does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '261 patent. Upon information and belief, Samsung intends to cause infringement by these manufacturers, distributors, importers, customers and/or consumers. Samsung has taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of the infringing products, creating an established distribution channel for these products into and within the United States, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

30. Upon information and belief, Samsung's acts of infringement of the '261 patent have been willful and intentional. Since at least the above-mentioned date of

notice, Samsung has acted with an objectively high likelihood that its actions constitute infringement of the '261 patent by refusing to take a license and continuing to make and sell infringing products. The objectively-defined risk was either known or so obvious that it should have been known.

31. As a direct and proximate result of these acts of patent infringement, Samsung has encroached on the exclusive rights of Plaintiff to practice the '261 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT II

Patent Infringement of U.S. Patent No. 6,030,893

32. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-31 as though fully set forth herein.

33. The '893 patent is valid and enforceable.

34. Samsung has never been licensed, either expressly or impliedly, under the '893 patent.

35. Upon information and belief, Samsung has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '893 patent by making, using, offering to sell, and/or selling to manufacturers, distributors, and/or consumers (directly or through intermediaries and/or affiliates or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, or by inducing others to make, use, offer for sale, sell, and/or import into the United States, without authority, Samsung's DRAMs that include all of the limitations of one or more claims of the '893 patent, Samsung's NAND flash memories that include all of the limitations of one or more claims of

the '893 patent, Samsung's central processing units ("CPUs") that include all of the limitations of one or more claims of the '893 patent, products containing Samsung's DRAMs, NAND flash memories and/or CPUs that include all of the limitations of one or more claims of the '893 patent, and/or other products that include all of the limitations of one or more claims of the '893 patent. The accused products include but are not limited to Samsung DRAMs, internal and external NAND flash memories, and CPUs; and Samsung and non-Samsung branded smartphones, tablets, desktop PCs, notebook PCs, Chrome devices, Smart TVs, Blu-ray/DVD players, home theater systems, media players, cameras/camcorders, and printers that contain such DRAMs, NAND flash memories, and CPUs.

36. Upon information and belief, distributors, customers and consumers that purchase Samsung's DRAMs that include all of the limitations of one or more claims of the '893 patent, Samsung's NAND flash memories that include all of the limitations of one or more claims of the '893 patent, Samsung's CPUs that include all of the limitations of one or more claims of the '893 patent, products containing Samsung's DRAMs, NAND flash memories and/or CPUs that include all of the limitations of one or more claims of the '893 patent, and/or other products made, sold or imported by Samsung that include all of the limitations of one or more claims of the '893 patent also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '893 patent by using, offering to sell, and/or selling infringing products in this District and elsewhere in the United States.

37. Upon information and belief, Samsung had knowledge of the '893 patent and its infringing conduct at least since October 24, 2013 when Samsung was

formally placed on notice of its infringement. In any event, Samsung had knowledge of the '893 patent and its infringing conduct no later than the filing date of this Complaint.

38. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Samsung on notice of its infringement, Samsung has actively induced, under 35 U.S.C. § 271(b), manufacturers, distributors, importers, customers and/or consumers to directly infringe one or more claims of the '893 patent. Since at least the notice provided on the above-mentioned date, Samsung does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '893 patent. Upon information and belief, Samsung intends to cause infringement by these manufacturers, distributors, importers, customers and/or consumers. Samsung has taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of the infringing products, creating an established distribution channel for these products into and within the United States, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

39. Upon information and belief, Samsung's acts of infringement of the '893 patent have been willful and intentional. Since at least the above-mentioned date of notice, Samsung has acted with an objectively high likelihood that its actions constitute infringement of the '893 patent by refusing to take a license and continuing to make and sell infringing products. The objectively-defined risk was either known or so obvious that it should have been known.

40. As a direct and proximate result of these acts of patent infringement, Samsung has encroached on the exclusive rights of Plaintiff to practice the '893 patent, for which

Plaintiff is entitled to at least a reasonable royalty.

COUNT III

Patent Infringement of U.S. Patent No. 6,146,997

41. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-40 as though fully set forth herein.

42. The '997 patent is valid and enforceable.

43. Samsung has never been licensed, either expressly or impliedly, under the '997 patent.

44. Upon information and belief, Samsung has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '997 patent by making, using, offering to sell, and/or selling to manufacturers, distributors, and/or consumers (directly or through intermediaries and/or affiliates or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, or by inducing others to make, use, offer for sale, sell, and/or import into the United States, without authority, Samsung's DRAMs that include all of the limitations of one or more claims of the '997 patent, Samsung's NAND flash memories that include all of the limitations of one or more claims of the '997 patent, Samsung's CPUs that include all of the limitations of one or more claims of the '997 patent, products containing Samsung's DRAMs, NAND flash memories and/or CPUs that include all of the limitations of one or more claims of the '997 patent, and/or other products that include all of the limitations of one or more claims of the '997 patent. The accused products include but are not limited to Samsung DRAMs, internal and

external NAND flash memories, and CPUs; and Samsung and non-Samsung branded smartphones, tablets, desktop PCs, notebook PCs, Chrome devices, Smart TVs, Blu-ray/DVD players, home theater systems, media players, cameras/camcorders, and printers that contain such DRAMs, NAND flash memories, and CPUs.

45. Upon information and belief, distributors, customers and consumers that purchase Samsung's DRAMs that include all of the limitations of one or more claims of the '997 patent, Samsung's NAND flash memories that include all of the limitations of one or more claims of the '997 patent, Samsung's CPUs that include all of the limitations of one or more claims of the '997 patent, products containing Samsung's DRAMs, NAND flash memories and/or CPUs that include all of the limitations of one or more claims of the '997 patent, and/or other products made, sold or imported by Samsung that include all of the limitations of one or more claims of the '997 patent also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '997 patent by using, offering to sell, and/or selling infringing products in this District and elsewhere in the United States.

46. Upon information and belief, Samsung had knowledge of the '997 patent and its infringing conduct at least since October 24, 2013 when Samsung was formally placed on notice of its infringement. In any event, Samsung had knowledge of the '997 patent and its infringing conduct no later than the filing date of this Complaint.

47. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Samsung on notice of its infringement, Samsung has actively induced, under 35 U.S.C. § 271(b), manufacturers, distributors, importers, customers and/or consumers to directly infringe one or more claims of the '997 patent. Since at least the notice provided on the above-mentioned date, Samsung does so with knowledge, or with willful blindness of the

fact, that the induced acts constitute infringement of the '997 patent. Upon information and belief, Samsung intends to cause infringement by these manufacturers, distributors, importers, customers and/or consumers. Samsung has taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of the infringing products, creating an established distribution channel for these products into and within the United States, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

48. Upon information and belief, Samsung's acts of infringement of the '997 patent have been willful and intentional. Since at least the above-mentioned date of notice, Samsung has acted with an objectively high likelihood that its actions constitute infringement of the '997 patent by refusing to take a license and continuing to make and sell infringing products. The objectively-defined risk was either known or so obvious that it should have been known.

49. As a direct and proximate result of these acts of patent infringement, Samsung has encroached on the exclusive rights of Plaintiff to practice the '997 patent, for which Plaintiff is entitled to at least a reasonable royalty.

COUNT IV

Patent Infringement of U.S. Patent No. 6,150,244

50. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-49 as though fully set forth herein.

51. The '244 patent is valid and enforceable.

52. Samsung has never been licensed, either expressly or impliedly, under the '244 patent.

53. Upon information and belief, Samsung has been and is directly infringing under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, and/or indirectly infringing, by way of inducement with specific intent under 35 U.S.C. § 271(b), the '244 patent by making, using, offering to sell, and/or selling to manufacturers, distributors, customers and/or consumers (directly or through intermediaries and/or affiliates or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, or by inducing others to make, use, offer for sale, sell, and/or import into the United States, without authority, Samsung's DRAMs that include all of the limitations of one or more claims of the '244 patent, products containing Samsung's DRAMs that include all of the limitations of one or more claims of the '244 patent, and/or other products that include all of the limitations of one or more claims of the '244 patent. The accused products include but are not limited to Samsung DRAMs; and Samsung and non-Samsung branded smartphones, tablets, desktop PCs, notebook PCs, Chrome devices, Smart TVs, Blu-ray/DVD players, home theater systems, media players, cameras/camcorders, and printers that contain Samsung DRAMs.

54. Upon information and belief, distributors, customers and consumers that purchase Samsung's DRAMs that include all of the limitations of one or more claims of the '244 patent, products containing Samsung's DRAMs that include all of the limitations of one or more claims of the '244 patent, and/or other products made, sold or imported by Samsung that include all of the limitations of one or more claims of the '244 patent also directly infringe, either literally or under the doctrine of equivalents, under 35 U.S.C. § 271(a), the '244 patent

by using, offering to sell, and/or selling infringing products in this District and elsewhere in the United States.

55. Upon information and belief, Samsung had knowledge of the '244 patent and its infringing conduct at least since October 24, 2013 when Samsung was formally placed on notice of its infringement. In any event, Samsung had knowledge of the '244 patent and its infringing conduct no later than the filing date of this Complaint.

56. Upon information and belief, since at least the above-mentioned date when Plaintiff formally placed Samsung on notice of its infringement, Samsung has actively induced, under 35 U.S.C. § 271(b), manufacturers, distributors, importers, customers and/or consumers to directly infringe one or more claims of the '244 patent. Since at least the notice provided on the above-mentioned date, Samsung does so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '244 patent. Upon information and belief, Samsung intends to cause infringement by these manufacturers, distributors, importers, customers and/or consumers. Samsung has taken affirmative steps to induce its infringement by, *inter alia*, creating advertisements that promote the infringing use of the infringing products, creating an established distribution channel for these products into and within the United States, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

57. Upon information and belief, Samsung's acts of infringement of the '244 patent have been willful and intentional. Since at least the above-mentioned date

of notice, Samsung has acted with an objectively high likelihood that its actions constitute infringement of the '244 patent by refusing to take a license and continuing to make and sell infringing products. The objectively-defined risk was either known or so obvious that it should have been known.

58. As a direct and proximate result of these acts of patent infringement, Samsung has encroached on the exclusive rights of Plaintiff to practice the '244 patent, for which Plaintiff is entitled to at least a reasonable royalty.

CONCLUSION

59. Plaintiff is entitled to recover from Samsung the damages sustained by Plaintiff as a result of Samsung's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

60. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

61. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

62. Plaintiff respectfully requests that the Court find in its favor and against Samsung, and that the Court grant Plaintiff the following relief:

- A. A judgment that Samsung has infringed the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing infringement of such patents;

- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Samsung;
- C. A judgment and order requiring Samsung to pay Plaintiff damages under 35 U.S.C. § 284, including up to treble damages for willful infringement as provided by 35 U.S.C. § 284, and any royalties determined to be appropriate;
- D. A permanent injunction enjoining Samsung and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with them from direct and/or indirect infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;
- E. A judgment and order requiring Samsung to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- F. A judgment and order finding this to be an exceptional case and requiring Samsung to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- G. Such other and further relief as the Court deems just and equitable.

Respectfully submitted,

SEITZ ROSS ARONSTAM & MORITZ LLP

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Counsel for Plaintiff Home Semiconductor Corporation

Dated: December 16, 2013