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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ADVANCED MICRO DEVICES,
INC., et al.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO.,
LTD., et al.,

Defendants.

Case. No. CV-08-0986-SI

**STIPULATION AND [PROPOSED]
ORDER RELATING TO U.S. PATENT
NO. 5,623,434**

[Civil L.R. 7-12]

Advanced Micro Devices, Inc. and ATI Technologies, ULC (collectively "AMD"),
and Samsung Electronics Co., Ltd.; Samsung Semiconductor, Inc.; Samsung Austin
Semiconductor, LLC; Samsung Electronics America, Inc.; Samsung Telecommunications

1 America, LLP; and Samsung Digital Imaging Co., Ltd. (collectively “Samsung”) jointly
 2 submit this Stipulation to resolve a disagreement relating to AMD’s standing to assert
 3 infringement of U.S. Patent No. 5,623,434 (“Purcell ’434 patent”) against Samsung.

4 WHEREAS, upon the filing of AMD’s First Amended Complaint on May 1, 2008,
 5 which added claims of infringement against Samsung relating to the Purcell ’434 patent,
 6 AMD did not own the Purcell ’434 patent and instead the Purcell ’434 patent was owned
 7 by a wholly owned subsidiary of plaintiff ATI Technologies, ULC known as ATI
 8 International SRL.

9 WHEREAS, the parties disagree whether ATI International SRL’s ownership of
 10 the Purcell ’434 patent at the time AMD filed its First Amended Complaint impacted
 11 AMD’s standing to assert the Purcell ’434 patent in this action, in that AMD maintains
 12 ATI Technologies, ULC was an implied exclusive licensee of the Purcell ’434 patent that
 13 possessed standing to sue for infringement of the Purcell ’434 patent when the First
 14 Amended Complaint was filed and Samsung maintains that plaintiffs AMD and ATI
 15 Technologies, ULC lacked standing to assert the Purcell ’434 patent on May 1, 2008.

16 WHEREAS, the parties agree that resolution of the standing issue would impose
 17 unnecessary burdens upon the Court and parties.

18 Pursuant to Civil Local Rule 7-12 and Federal Rule of Civil Procedure 15(a)(2), IT
 19 IS HEREBY STIPULATED AND AGREED, by and between AMD and Samsung that:

20 1. Samsung consents, pursuant to Federal Rule of Civil Procedure 15(a)(2), to
 21 AMD’s filing a Second Amended Complaint that voluntarily dismisses the infringement
 22 claims relating to the Purcell ’434 patent without prejudice. The Second Amended
 23 Complaint is attached hereto as Exhibit A.

24 2. Samsung consents, pursuant to Federal Rule of Civil Procedure 15(a)(2), to
 25 AMD’s filing, immediately after the filing of the Second Amended Complaint, of a Third
 26 Amended Complaint that asserts infringement claims against Samsung relating to the
 27 Purcell ’434 patent. The Third Amended Complaint is attached hereto as Exhibit B.

28 3. AMD will not seek damages for infringement of the Purcell ’434 patent

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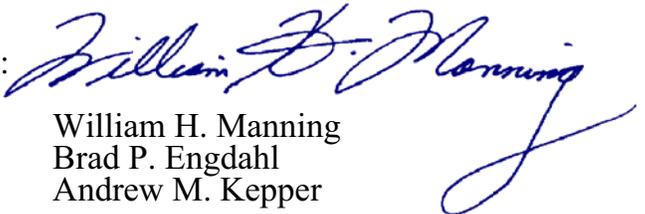
1 occurring prior to the date of filing its Third Amended Complaint.

2 4. The parties agree that all patents asserted in this action by plaintiffs AMD and
3 ATI Technologies, ULC will proceed on the same track and no dates in the Court's
4 schedule will be altered as a result of this stipulation.

5 5. The parties agree that all court orders and opinions, court filings by the parties,
6 discovery requests and responses, deposition testimony, documents produced by the
7 parties, stipulations and agreements, documents served by the parties (including initial
8 disclosures, infringement contentions and invalidity contentions), and documents or
9 testimony provided by third parties shall remain of record and applicable to the Purcell
10 '434 patent.

11
12 DATED: March 3, 2010

**ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.**

By: 
William H. Manning
Brad P. Engdahl
Andrew M. Kepper

**ATTORNEYS FOR PLAINTIFFS
ADVANCED MICRO DEVICES, INC. AND
ATI TECHNOLOGIES, ULC**

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20 DATED: March 3, 2010

COVINGTON & BURLING LLP

By: s/ Robert T. Haslam
Robert T. Haslam
Alan H. Blankenheimer
Christine S. Haskett

**ATTORNEYS FOR SAMSUNG
ELECTRONICS CO., LTD.; SAMSUNG
SEMICONDUCTOR, INC.; SAMSUNG
AUSTIN SEMICONDUCTOR, LLC;
SAMSUNG ELECTRONICS AMERICA,**

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**INC.; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC; SAMSUNG DIGITAL IMAGING CO.,
LTD.**

*Plaintiffs' counsel attests that concurrence in
the filing of this document has been obtained
from the above-named signatory.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

March __, 2010



Honorable Susan Illston
United States District Judge

Exhibit A

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
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15 Attorneys for Plaintiffs: Advanced Micro Devices, Inc. and ATI Technologies, ULC

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

20 (1) ADVANCED MICRO DEVICES,
INC., a Delaware corporation,
21 (2) ATI TECHNOLOGIES, ULC,
a Canadian unlimited liability
22 company

23 Plaintiffs,

24 v.

25 (1) SAMSUNG ELECTRONICS CO.,
LTD., a Korean business entity,
26 (2) SAMSUNG SEMICONDUCTOR,
INC., a California corporation,
27 (3) SAMSUNG AUSTIN
SEMICONDUCTOR, LLC, a Delaware
28 limited liability company,

No. CV-08-0986-SI

**SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

[JURY TRIAL DEMANDED]

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- 1 (4) SAMSUNG ELECTRONICS
 - 2 AMERICA, INC., a New York
 - 3 corporation,
 - 4 (5) SAMSUNG
 - 5 TELECOMMUNICATIONS
 - 6 AMERICA, LLC, a Delaware limited
 - 7 liability company,
 - 8 (6) SAMSUNG DIGITAL IMAGING CO.,
 - 9 LTD., a Korean business entity.
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- Defendants.

Plaintiffs Advanced Micro Devices, Inc. and ATI Technologies, ULC (collectively, “Plaintiffs” or “AMD”) for their second amended complaint allege as follows:

INTRODUCTION

This is an action against Samsung Electronics Co., Ltd., and its U.S. subsidiaries and related entities Samsung Semiconductor, Inc., Samsung Austin Semiconductor, LLC, Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, Samsung Digital Imaging Co., Ltd. (individually or collectively “Defendants” or “Samsung”), for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., for infringing:

- (a) U.S. Patent No. 5,545,592 (“592 Iacononi patent”), entitled “*Nitrogen Treatment for Metal-Silicide Contact*”;
- (b) U.S. Patent No. 4,737,830 (“830 Patel patent”), entitled “*Integrated Circuit Structure Having Compensating Means for Self-Inductance Effects*”;
- (c) U.S. Patent No. 5,248,893 (“893 Sakamoto patent”), entitled “*Insulated Gate Field Effect Device with a Smoothly Curved Depletion Boundary in the Vicinity of the Channel-Free Zone*”;
- (d) U.S. Patent No. 5,559,990 (“990 Cheng patent”), entitled “*Memories with Burst Mode Access*”;
- (e) U.S. Patent No. 5,377,200 (“200 Pedneau patent”), entitled “*Power Saving Feature for Components Having Built-In Testing Logic*”; and

1 (f) U.S. Patent No. 6,784,879 (“’879 Orr patent”), entitled “*Method and Apparatus for*
2 *Providing Control of Background Video*,” owned by Advanced Micro Devices, Inc.’s
3 subsidiary, ATI Technologies, ULC.

4 Collectively, the patents generally cover methods of semiconductor and semiconductor
5 memory chip fabrication; semiconductors and semiconductor memory of certain composition,
6 logic, or design; and consumer products incorporating or embodying the disclosed inventions.

7 THE PARTIES

8 1. Advanced Micro Devices, Inc. is a Delaware corporation with its principal offices
9 at One AMD Place, Sunnyvale, California 94085.

10 2. ATI Technologies, ULC is a subsidiary of AMD and is incorporated in Alberta,
11 Canada with its principal offices at 1 Commerce Valley Drive E, Markham, Ontario, L3T 7X6,
12 Canada.

13 3. Samsung Electronics Co., Ltd. (“SEC”) is a Korean business entity with its
14 principal offices at 250, 2-ga, Taepyong-ro, Jung-gu, Seoul, 100-742, South Korea. On
15 information and belief, SEC is South Korea’s largest company and one of Asia’s largest electronics
16 companies. SEC designs, manufactures, and provides to the U.S. and world markets flash, DRAM,
17 graphics memory, and other memory components, as well as other logic components, which are
18 used in computers, and myriad mobile and entertainment products.

19 4. Samsung Semiconductor, Inc. (“SSI”) is a California corporation with its principal
20 place of business located at 3655 North First Street, San Jose, California 95134. On information
21 and belief, SSI is a wholly owned subsidiary of SEC and was established in 1983 as a California
22 corporation with approximately 300 employees in the Americas. On information and belief, SSI is
23 the sales arm for SEC and sells flash, DRAM, graphics memory, and other memory components;
24 conducts primary market and product research for SEC; and enables regional customers to
25 influence the direction of SEC’s future technologies and products.

26 5. Samsung Austin Semiconductor, LLC (“SAS”) is a Delaware limited liability
27 company with its principal place of business at 12100 Samsung Boulevard, Austin, Texas 78754.
28 On information and belief, SAS is one of Samsung’s semiconductor fabrication facilities located

1 around the world.

2 6. Samsung Electronics America, Inc. (“SEA”) is a New York corporation with its
3 principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. On
4 information and belief, SEA was formed in 1977 as a subsidiary of SEC, and markets, sells, or
5 offers for sale a variety of consumer electronics, including TVs, VCRs, DVD and MP3 players,
6 video cameras, vacuum cleaners, and air conditioners, as well as memory chips and computer
7 accessories, such as printers, monitors, hard disk drives, and DVD/CD-ROM drives. On
8 information and belief, SEA also manages the North American operations of Samsung
9 Telecommunications America, Samsung Electronics Canada, and Samsung Electronics Mexico.

10 7. Samsung Telecommunications America, LLC (“STA”) is a Delaware limited
11 liability company with its principal place of business at 1301 East Lookout Drive, Richardson,
12 Texas 75081. On information and belief, STA was founded in 1996 as a subsidiary of SEC, and
13 markets, sells, or offers for sale a variety of personal and business communications devices in the
14 United States, including cell phones.

15 8. Samsung Digital Imaging Co., Ltd. (“SDI”) is a Korean Business entity with its
16 principal offices at 416, Maetan 3-Dong, Yeongtong-Gu, Suwon, Gyeonggi-Do, 443-373, South
17 Korea. On information and belief, SDI manufactures, imports, markets, sells, or offers for sale
18 consumer electronics including digital cameras.

19 JURISDICTION

20 9. This is an action for patent infringement, over which this Court has subject matter
21 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

22 10. This Court has personal jurisdiction over each of the Defendants consistent with
23 the requirements of California Code of Civil Procedure § 410.10 and the Due Process Clause of the
24 United States Constitution. Each Defendant transacts substantial business in California (and in this
25 district), or has committed and continues to commit acts of patent infringement in California (and
26 in this district) as alleged in this complaint. In addition, SSI in particular maintains a regular and
27 established place of business at 3655 North 1st Street, San Jose, California, 95134.

28

VENUE

11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendants reside in this judicial district. Further, SSI has committed acts of infringement and has a regular established place of business in this district.

INTRADISTRICT ASSIGNMENT

12. This is a patent infringement action, and therefore exempt from Intradistrict Assignment under Civil L.R. 3-2(c).

FACTUAL BACKGROUND

13. Plaintiffs solely own all rights, titles, and interests in and to the following United States patents (collectively, the “AMD Patents”), including the exclusive rights to bring suit with respect to any past, present, and future infringement thereof:

- (a) U.S. Patent No. 5,545,592, entitled “*Nitrogen Treatment for Metal-Silicide Contact,*” which was duly and legally issued on August 13, 1996, from a patent application filed February 24, 1995, with John Iacoponi as the named inventor. Among other things, the ’592 Iacoponi patent discloses an improved method of forming a contact point in a semiconductor device.
- (b) U.S. Patent No. 4,737,830, entitled “*Integrated Circuit Structure Having Compensating Means for Self-Inductance Effects,*” which was duly and legally issued on April 12, 1988, from a patent application filed January 8, 1986, with Bharat Patel as the lead named inventor. Among other things, the ’830 Patel patent discloses an improved integrated circuit wherein self-inductive voltage spikes are reduced through the use of capacitance means constructed beneath at least one bus.
- (c) U.S. Patent No. 5,248,893, entitled “*Insulated Gate Field Effect Device with a Smoothly Curved Depletion Boundary in the Vicinity of the Channel-Free Zone,*” which was duly and legally issued on September 28, 1993, from a patent application filed January 5, 1993, with Shinichi Sakamoto as the named inventor. Among other things, the ’893 Sakamoto patent discloses an insulated gate field

1 effect device with a smoothly curved depletion boundary in the vicinity of the
2 channel-free zone.

3 (d) U.S. Patent No. 5,559,990, entitled “*Memories with Burst Mode Access*,” which
4 was duly and legally issued on September 24, 1996, from a patent application filed
5 October 24, 1994, with Pearl Cheng as the lead named inventor. Among other
6 things, the ’990 Cheng patent discloses a memory employing multiple sub-arrays
7 that facilitates faster burst-mode access.

8 (e) U.S. Patent No. 5,377,200, entitled “*Power Saving Feature for Components*
9 *Having Built-In Testing Logic*,” which was duly and legally issued on December
10 27, 1994, from a patent application filed August 27, 1992, with Michael Pedneau
11 as the named inventor. Among other things, the ’200 Pedneau patent discloses an
12 improvement to built-in testing in an electronic component, in particular the ability
13 to reduce or remove the power applied to testing circuits when not in use.

14 (f) U.S. Patent No. 6,784,879, entitled “*Method and Apparatus for Providing Control*
15 *of Background Video*,” which was duly and legally issued on August 31, 2004,
16 from a patent application filed July 14, 1997, with Stephen Orr as the named
17 inventor. Among other things, the ’879 Orr patent discloses a method and
18 apparatus for control of background video on a display, which allows the user to
19 control attributes of the video, such as volume, for example, while the video
20 continues to play in the background and another application remains in focus on
21 the display.

22 14. Each of the AMD Patents is valid and enforceable.

23 15. The Defendants have actual notice of all of the AMD Patents and the infringement
24 alleged herein at least upon filing of this second amended complaint (if not earlier), pursuant to 35
25 U.S.C. § 287(a), and Defendants Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc.,
26 Samsung Austin Semiconductor, LLC, Samsung Electronics America, Inc., Samsung
27 Telecommunications America, LLC had actual notice of the ’592 Iacoponi patent, the ’830 Patel
28 patent, the ’893 Sakamoto patent, the ’990 Cheng patent, the ’200 Pedneau patent, the ’879 Orr

1 patent and the infringement alleged herein at least upon the filing of the original complaint (if not
2 earlier), pursuant to 35 U.S.C. § 287(a). On information and belief, Defendants had prior actual
3 notice of at least the Iacoponi '592 patent no later than April 2006 and the Patel '830 patent no
4 later than March 31, 2003.

5 16. Each of the Defendants has directly infringed, and continues to infringe, literally
6 or under the doctrine of equivalents, one or more claims of the AMD Patents by acting without
7 authority so as to:

8 (a) make, have made, use, offer to sell, sell within the United States, or import into the
9 United States semiconductor products, including at least Samsung DRAM, SRAM,
10 and NAND-flash memory chips and/or other chips, that embody or practice the
11 patented inventions, as well as electronics products that contain these chips, or
12 practice the patented processes in the United States in connection with these
13 activities;

14 (b) import into the United States or offer to sell, sell, or use within the United States
15 semiconductor products, including at least Samsung DRAM and NAND-flash
16 memory chips and/or other chips made by a process patented by AMD, as well as
17 electronics products that contain these chips.

18 17. The above-described acts of infringement committed by Defendants have caused
19 injury and damage to AMD, and as to unexpired patents, will cause additional severe and
20 irreparable injury and damages in the future unless the Defendants are enjoined from further
21 infringing the AMD Patents.

22 **FIRST CLAIM FOR RELIEF**

23 **Infringement of U.S. Patent No. 5,545,592**

24 18. AMD incorporates by reference the allegations set forth in paragraphs 1 through
25 17 above as if specifically set forth herein.

26 19. Defendants have directly infringed one or more claims of the '592 Iacoponi patent,
27 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
28 products include, but are not limited to, for example, Samsung's DRAM and NAND-flash memory

1 chips, as well as any and all products that incorporate such memory chips or any other memory
2 chips practicing or embodying the claimed invention or manufactured by the patented process,
3 including digital cameras. The infringement remains ongoing.

4 20. As a consequence of Defendants' infringement, AMD is entitled to recover
5 damages adequate to compensate it for the injuries complained of herein, but in no event less than
6 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
7 additional future acts of infringement which would subject AMD to irreparable harm.

8 21. On information and belief, Defendants had actual knowledge of the '592 Iacoponi
9 patent since at least as early as April 2006, when during licensing negotiations AMD presented
10 Defendants with a detailed PowerPoint presentation outlining how Defendants' products
11 specifically infringed claims of the Iacoponi '592 patent. Despite Plaintiffs' demand that
12 Defendants either license the '592 Iacoponi patent or cease their infringement, Defendants instead
13 opted to continue their willful, deliberate, and intentional infringement of one or more claims of
14 said patent.

15 SECOND CLAIM FOR RELIEF

16 Infringement of U.S. Patent No. 4,737,830

17 22. AMD incorporates by reference the allegations set forth in paragraphs 1 through
18 21 above as if specifically set forth herein.

19 23. Defendants have directly infringed claims 5 and 6 of the '830 Patel patent, literally
20 and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing products
21 include but are not limited to, for example, Samsung's DRAM, SRAM and NAND Flash memory
22 chips, as well as any and all products that incorporate such memory chips or any other memory
23 chips practicing or embodying the claimed invention.

24 24. As a consequence of Defendants' infringement, AMD is entitled to recover
25 damages adequate to compensate it for the injuries complained of herein, but in no event less than
26 a reasonable royalty.

27 25. On information and belief, Defendants had actual knowledge of the '830 Patel
28 patent since at least as early as March 31, 2003, when during licensing negotiations AMD

1 presented Defendants with a detailed PowerPoint presentation outlining how Defendants' products
2 specifically infringed claims of the '830 Patel patent.

3 **THIRD CLAIM FOR RELIEF**

4 **Infringement of U.S. Patent No. 5,248,893**

5 26. AMD incorporates by reference the allegations set forth in paragraphs 1 through
6 25 above as if specifically set forth herein.

7 27. Defendants have directly infringed one or more claims of the '893 Sakamoto
8 patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The
9 infringing products include but are not limited to, for example, Samsung's DRAM memory chips,
10 as well as any and all products that incorporate such memory chips or any other memory chips
11 practicing or embodying the claimed invention.

12 28. As a consequence of Defendants' infringement, AMD is entitled to recover
13 damages adequate to compensate it for the injuries complained of herein, but in no event less than
14 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
15 additional future acts of infringement which would subject AMD to irreparable harm.

16 **FOURTH CLAIM FOR RELIEF**

17 **Infringement of U.S. Patent No. 5,559,990**

18 29. AMD incorporates by reference the allegations set forth in paragraphs 1 through
19 28 above as if specifically set forth herein.

20 30. Defendants have directly infringed one or more claims of the '990 Cheng patent,
21 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
22 products include but are not limited to, for example, Samsung's memory chips such as the
23 K4T51083QC 512MB 90nm Rev "C" DDR2 SDRAM, as well as cell phones, MP3 players,
24 televisions, printers, and any and all other products that incorporate this or any other chip
25 embodying the claimed invention. Defendants' infringement remains ongoing.

26 31. As a consequence of Defendants' infringement, AMD is entitled to recover
27 damages adequate to compensate it for the injuries complained of herein, but in no event less than
28

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1 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
2 additional future acts of infringement which would subject AMD to irreparable harm.

3 **FIFTH CLAIM FOR RELIEF**

4 **Infringement of U.S. Patent No. 5,377,200**

5 32. AMD incorporates by reference the allegations set forth in paragraphs 1 through
6 31 above as if specifically set forth herein.

7 33. Defendants have directly infringed one or more claims of the '200 Pedneau patent,
8 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
9 products include but are not limited to, for example, the S3C2412 Application Processor, as well as
10 cell phones, MP3 players, televisions, printers, and any and all other products that incorporate the
11 S3C2412 processor or any other processor embodying the claimed invention. Such infringement
12 remains ongoing.

13 34. As a consequence of Defendants' infringement, AMD is entitled to recover
14 damages adequate to compensate it for the injuries complained of herein, but in no event less than
15 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
16 additional future acts of infringement which would subject AMD to irreparable harm.

17 **SIXTH CLAIM FOR RELIEF**

18 **Infringement of U.S. Patent No. 6,784,879**

19 35. AMD incorporates by reference the allegations set forth in paragraphs 1 through
20 34 above as if specifically set forth herein.

21 36. Defendants have directly infringed one or more claims of the '879 Orr patent,
22 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
23 products include but are not limited to, for example, Samsung's LN-T1953H television, as well as
24 all other Samsung televisions or other display devices that incorporate or embody the claimed
25 invention. Such infringement remains ongoing.

26 37. As a consequence of Defendants' infringement, AMD is entitled to recover
27 damages adequate to compensate it for the injuries complained of herein, but in no event less than
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1 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
2 additional future acts of infringement which would subject AMD to irreparable harm.

3 **PRAYER FOR RELIEF**

4 **WHEREFORE**, AMD respectfully requests that this Court:

5 A. enter judgment that each of the Defendants has infringed one or more claims of
6 one or more of the AMD Patents;

7 B. enter judgment that Defendants’ infringement of the ’592 Iacoponi patent has been
8 willful, deliberate, and intentional;

9 C. enter a preliminary and permanent injunction, pursuant to 35 U.S.C. § 283,
10 enjoining each of the Defendants, and all of their respective agents, servants, officers, directors,
11 employees, and all other persons acting in concert with them, directly or indirectly, from any
12 further acts of infringement of the non-expired AMD Patents;

13 D. enter an order, pursuant to 35 U.S.C. § 284, awarding to AMD damages adequate
14 to compensate for Defendants’ infringement of the AMD Patents (and, if necessary, related
15 accountings), in an amount to be determined at trial, but not less than a reasonable royalty;

16 E. enter an order, pursuant to 35 U.S.C. § 284, trebling damages awarded to AMD to
17 the extent Defendants’ infringement of the ’592 Iacoponi patent is determined to have been
18 willful;

19 F. enter an order, pursuant to 35 U.S.C. § 285, deeming this to be an “exceptional
20 case” and thereby awarding to AMD its reasonable attorneys’ fees, costs, and expenses;

21 G. enter an order that Defendants account for and pay to AMD the damages to which
22 AMD is entitled as a consequence of the infringement;

23 H. enter an order awarding to AMD pre- and post-judgment interest at the maximum
24 rates allowable under the law; and,

25 I. enter an order awarding to AMD such other and further relief, whether at law or in
26 equity, that this Court deems just and proper.

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Respectfully submitted,

DATED: March __, 2010

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: _____
William H. Manning
Brad P. Engdahl
David E. Marder

REED SMITH L.L.P.

John P. Bovich

Attorneys for Plaintiffs Advanced Micro
Devices, Inc. and ATI Technologies, ULC

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ATTORNEYS AT LAW
MINNEAPOLIS

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DEMAND FOR JURY TRIAL

AMD demands a jury trial on all issues so triable.

DATED: March __, 2010

ROBINS, KAPLAN, MILLER & CIRESI L.L.P

By: _____
William H. Manning
Brad P. Engdahl
David E. Marder

REED SMITH L.L.P.

John P. Bovich

Attorneys for Plaintiffs Advanced Micro Devices, Inc.
and ATI Technologies, ULC

Exhibit B

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15 Attorneys for Plaintiffs: Advanced Micro Devices, Inc. and ATI Technologies, ULC

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

- 19
20 (1) ADVANCED MICRO DEVICES,
INC., a Delaware corporation,
21 (2) ATI TECHNOLOGIES, ULC,
a Canadian unlimited liability
22 company

23 Plaintiffs,

24 v.

- 25 (1) SAMSUNG ELECTRONICS CO.,
LTD., a Korean business entity,
26 (2) SAMSUNG SEMICONDUCTOR,
INC., a California corporation,
27 (3) SAMSUNG AUSTIN
SEMICONDUCTOR, LLC, a Delaware
28 limited liability company,

No. CV-08-0986-SI

**THIRD AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

[JURY TRIAL DEMANDED]

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- 1 (4) SAMSUNG ELECTRONICS
 - 2 AMERICA, INC., a New York
 - 3 corporation,
 - 4 (5) SAMSUNG
 - 5 TELECOMMUNICATIONS
 - 6 AMERICA, LLC, a Delaware limited
 - 7 liability company, and
 - 8 (6) SAMSUNG DIGITAL IMAGING CO.,
 - 9 LTD., a Korean business entity
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- Defendants.

Plaintiffs Advanced Micro Devices, Inc. and ATI Technologies, ULC (collectively, “Plaintiffs” or “AMD”) for their third amended complaint allege as follows:

INTRODUCTION

This is an action against Samsung Electronics Co., Ltd., and its U.S. subsidiaries and related entities Samsung Semiconductor, Inc., Samsung Austin Semiconductor, LLC, Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, Samsung Digital Imaging Co., Ltd. (individually or collectively “Defendants” or “Samsung”), for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., for infringing:

- (a) U.S. Patent No. 5,545,592 (“592 Iacononi patent”), entitled “*Nitrogen Treatment for Metal-Silicide Contact*”;
- (b) U.S. Patent No. 4,737,830 (“830 Patel patent”), entitled “*Integrated Circuit Structure Having Compensating Means for Self-Inductance Effects*”;
- (c) U.S. Patent No. 5,248,893 (“893 Sakamoto patent”), entitled “*Insulated Gate Field Effect Device with a Smoothly Curved Depletion Boundary in the Vicinity of the Channel-Free Zone*”;
- (d) U.S. Patent No. 5,559,990 (“990 Cheng patent”), entitled “*Memories with Burst Mode Access*”;
- (e) U.S. Patent No. 5,377,200 (“200 Pedneau patent”), entitled “*Power Saving Feature for Components Having Built-In Testing Logic*,” all owned by Advanced Micro Devices;

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1 (f) U.S. Patent No. 5,623,434 (“434 Purcell patent”), entitled “*Structure and Method of*
2 *Using an Arithmetic and Logic Unit for Carry Propagation Stage of a Multiplier*,” owned
3 by Advanced Micro Devices, Inc.’s subsidiary, ATI Technologies, ULC; and

4 (g) U.S. Patent No. 6,784,879 (“879 Orr patent”), entitled “*Method and Apparatus for*
5 *Providing Control of Background Video*,” owned by Advanced Micro Devices, Inc.’s
6 subsidiary, ATI Technologies, ULC.

7 Collectively, the patents generally cover methods of semiconductor and semiconductor
8 memory chip fabrication; semiconductors and semiconductor memory of certain composition,
9 logic, or design; and consumer products incorporating or embodying the disclosed inventions.

10 **THE PARTIES**

11 1. Advanced Micro Devices, Inc. is a Delaware corporation with its principal offices
12 at One AMD Place, Sunnyvale, California 94085.

13 2. ATI Technologies, ULC is a subsidiary of AMD and is incorporated in Alberta,
14 Canada with its principal offices at 1 Commerce Valley Drive E, Markham, Ontario, L3T 7X6,
15 Canada.

16 3. Samsung Electronics Co., Ltd. (“SEC”) is a Korean business entity with its
17 principal offices at 250, 2-ga, Taepyong-ro, Jung-gu, Seoul, 100-742, South Korea. On
18 information and belief, SEC is South Korea’s largest company and one of Asia’s largest electronics
19 companies. SEC designs, manufactures, and provides to the U.S. and world markets flash, DRAM,
20 graphics memory, and other memory components, as well as other logic components, which are
21 used in computers, and myriad mobile and entertainment products.

22 4. Samsung Semiconductor, Inc. (“SSI”) is a California corporation with its principal
23 place of business located at 3655 North First Street, San Jose, California 95134. On information
24 and belief, SSI is a wholly owned subsidiary of SEC and was established in 1983 as a California
25 corporation with approximately 300 employees in the Americas. On information and belief, SSI is
26 the sales arm for SEC and sells flash, DRAM, graphics memory, and other memory components;
27 conducts primary market and product research for SEC; and enables regional customers to
28 influence the direction of SEC’s future technologies and products.

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1 in this district) as alleged in this complaint. In addition, SSI in particular maintains a regular and
2 established place of business at 3655 North 1st Street, San Jose, California, 95134.

3 **VENUE**

4 11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and
5 1400(b) because Defendants reside in this judicial district. Further, SSI has committed acts of
6 infringement and has a regular established place of business in this district.

7 **INTRADISTRICT ASSIGNMENT**

8 12. This is a patent infringement action, and therefore exempt from Intradistrict
9 Assignment under Civil L.R. 3-2(c).

10 **FACTUAL BACKGROUND**

11 13. Plaintiffs solely own all rights, titles, and interests in and to the following United
12 States patents (collectively, the “AMD Patents”), including the exclusive rights to bring suit with
13 respect to any past, present, and future infringement thereof:

- 14 (a) U.S. Patent No. 5,545,592, entitled “*Nitrogen Treatment for Metal-Silicide*
15 *Contact*,” which was duly and legally issued on August 13, 1996, from a patent
16 application filed February 24, 1995, with John Iacoponi as the named inventor.
17 Among other things, the ’592 Iacoponi patent discloses an improved method of
18 forming a contact point in a semiconductor device.
- 19 (b) U.S. Patent No. 4,737,830, entitled “*Integrated Circuit Structure Having*
20 *Compensating Means for Self-Inductance Effects*,” which was duly and legally
21 issued on April 12, 1988, from a patent application filed January 8, 1986, with
22 Bharat Patel as the lead named inventor. Among other things, the ’830 Patel
23 patent discloses an improved integrated circuit wherein self-inductive voltage
24 spikes are reduced through the use of capacitance means constructed beneath at
25 least one bus.
- 26 (c) U.S. Patent No. 5,248,893, entitled “*Insulated Gate Field Effect Device with a*
27 *Smoothly Curved Depletion Boundary in the Vicinity of the Channel-Free Zone*,”
28 which was duly and legally issued on September 28, 1993, from a patent

1 application filed January 5, 1993, with Shinichi Sakamoto as the named inventor.
2 Among other things, the '893 Sakamoto patent discloses an insulated gate field
3 effect device with a smoothly curved depletion boundary in the vicinity of the
4 channel-free zone.

- 5 (d) U.S. Patent No. 5,559,990, entitled "*Memories with Burst Mode Access*," which
6 was duly and legally issued on September 24, 1996, from a patent application filed
7 October 24, 1994, with Pearl Cheng as the lead named inventor. Among other
8 things, the '990 Cheng patent discloses a memory employing multiple sub-arrays
9 that facilitates faster burst-mode access.
- 10 (e) U.S. Patent No. 5,377,200, entitled "*Power Saving Feature for Components*
11 *Having Built-In Testing Logic*," which was duly and legally issued on December
12 27, 1994, from a patent application filed August 27, 1992, with Michael Pedneau
13 as the named inventor. Among other things, the '200 Pedneau patent discloses an
14 improvement to built-in testing in an electronic component, in particular the ability
15 to reduce or remove the power applied to testing circuits when not in use.
- 16 (f) U.S. Patent No. 5,623,434, entitled "*Structure and Method of Using an Arithmetic*
17 *and Logic Unit for Carry Propagation Stage of a Multiplier*," which was duly and
18 legally issued on April 22, 1997, from a patent application filed July 27, 1994,
19 with Stephen Purcell as the named inventor. Among other things, the '434 Purcell
20 patent discloses a method and apparatus for using an arithmetic and logic unit as
21 part of a multiplier circuit.
- 22 (g) U.S. Patent No. 6,784,879, entitled "*Method and Apparatus for Providing Control*
23 *of Background Video*," which was duly and legally issued on August 31, 2004,
24 from a patent application filed July 14, 1997, with Stephen Orr as the named
25 inventor. Among other things, the '879 Orr patent discloses a method and
26 apparatus for control of background video on a display, which allows the user to
27 control attributes of the video, such as volume, for example, while the video
28

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1 continues to play in the background and another application remains in focus on
2 the display.

3 14. Each of the AMD Patents is valid and enforceable.

4 15. The Defendants have actual notice of all of the AMD Patents and the infringement
5 alleged herein at least upon filing of this third amended complaint (if not earlier), pursuant to 35
6 U.S.C. § 287(a), and Defendants Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc.,
7 Samsung Austin Semiconductor, LLC, Samsung Electronics America, Inc., Samsung
8 Telecommunications America, LLC had actual notice of the '592 Iacoponi patent, the '830 Patel
9 patent, the '893 Sakamoto patent, the '990 Cheng patent, the '200 Pedneau patent, the '879 Orr
10 patent and the infringement alleged herein at least upon the filing of the original complaint (if not
11 earlier), pursuant to 35 U.S.C. § 287(a). On information and belief, Defendants had prior actual
12 notice of at least the Iacoponi '592 patent no later than April 2006 and the Patel '830 patent no
13 later than March 31, 2003.

14 16. Each of the Defendants has directly infringed, and continues to infringe, literally
15 or under the doctrine of equivalents, one or more claims of the AMD Patents by acting without
16 authority so as to:

17 (a) make, have made, use, offer to sell, sell within the United States, or import into the
18 United States semiconductor products, including at least Samsung DRAM, SRAM,
19 and NAND-flash memory chips and/or other chips, that embody or practice the
20 patented inventions, as well as electronics products that contain these chips, or
21 practice the patented processes in the United States in connection with these
22 activities;

23 (b) import into the United States or offer to sell, sell, or use within the United States
24 semiconductor products, including at least Samsung DRAM and NAND-flash
25 memory chips and/or other chips made by a process patented by AMD, as well as
26 electronics products that contain these chips.

27 17. The above-described acts of infringement committed by Defendants have caused
28 injury and damage to AMD, and as to unexpired patents, will cause additional severe and

1 irreparable injury and damages in the future unless the Defendants are enjoined from further
2 infringing the AMD Patents.

3 **FIRST CLAIM FOR RELIEF**

4 **Infringement of U.S. Patent No. 5,545,592**

5 18. AMD incorporates by reference the allegations set forth in paragraphs 1 through
6 17 above as if specifically set forth herein.

7 19. Defendants have directly infringed one or more claims of the '592 Iaconi patent,
8 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
9 products include, but are not limited to, for example, Samsung's DRAM and NAND-flash memory
10 chips, as well as any and all products that incorporate such memory chips or any other memory
11 chips practicing or embodying the claimed invention or manufactured by the patented process,
12 including digital cameras. The infringement remains ongoing.

13 20. As a consequence of Defendants' infringement, AMD is entitled to recover
14 damages adequate to compensate it for the injuries complained of herein, but in no event less than
15 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
16 additional future acts of infringement which would subject AMD to irreparable harm.

17 21. On information and belief, Defendants had actual knowledge of the '592 Iaconi
18 patent since at least as early as April 2006, when during licensing negotiations AMD presented
19 Defendants with a detailed PowerPoint presentation outlining how Defendants' products
20 specifically infringed claims of the Iaconi '592 patent. Despite Plaintiffs' demand that
21 Defendants either license the '592 Iaconi patent or cease their infringement, Defendants instead
22 opted to continue their willful, deliberate, and intentional infringement of one or more claims of
23 said patent.

24 **SECOND CLAIM FOR RELIEF**

25 **Infringement of U.S. Patent No. 4,737,830**

26 22. AMD incorporates by reference the allegations set forth in paragraphs 1 through
27 21 above as if specifically set forth herein.

28 23. Defendants have directly infringed claims 5 and 6 of the '830 Patel patent, literally

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1 and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing products
2 include but are not limited to, for example, Samsung's DRAM, SRAM and NAND Flash memory
3 chips, as well as any and all products that incorporate such memory chips or any other memory
4 chips practicing or embodying the claimed invention.

5 24. As a consequence of Defendants' infringement, AMD is entitled to recover
6 damages adequate to compensate it for the injuries complained of herein, but in no event less than
7 a reasonable royalty.

8 25. On information and belief, Defendants had actual knowledge of the '830 Patel
9 patent since at least as early as March 31, 2003, when during licensing negotiations AMD
10 presented Defendants with a detailed PowerPoint presentation outlining how Defendants' products
11 specifically infringed claims of the '830 Patel patent.

12 **THIRD CLAIM FOR RELIEF**

13 **Infringement of U.S. Patent No. 5,248,893**

14 26. AMD incorporates by reference the allegations set forth in paragraphs 1 through
15 25 above as if specifically set forth herein.

16 27. Defendants have directly infringed one or more claims of the '893 Sakamoto
17 patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The
18 infringing products include but are not limited to, for example, Samsung's DRAM memory chips,
19 as well as any and all products that incorporate such memory chips or any other memory chips
20 practicing or embodying the claimed invention.

21 28. As a consequence of Defendants' infringement, AMD is entitled to recover
22 damages adequate to compensate it for the injuries complained of herein, but in no event less than
23 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
24 additional future acts of infringement which would subject AMD to irreparable harm.

25 **FOURTH CLAIM FOR RELIEF**

26 **Infringement of U.S. Patent No. 5,559,990**

27 29. AMD incorporates by reference the allegations set forth in paragraphs 1 through
28 28 above as if specifically set forth herein.

1 36. Defendants have directly infringed one or more claims of the '434 Purcell patent,
2 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
3 products include but are not limited to, for example, Samsung's S3C2443 Application Processor
4 and any other processor embodying the claimed invention, as well as cell phones, MP3 players,
5 televisions, printers, and any and all other products that incorporate the S3C2443 Application
6 Processor or any other processor embodying the claimed invention. Such infringement remains
7 ongoing.

8 37. As a consequence of Defendants' infringement, AMD is entitled to recover
9 damages adequate to compensate it for the injuries complained of herein, but in no event less than
10 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
11 additional future acts of infringement which would subject AMD to irreparable harm. AMD will
12 not seek damages for infringement of the '434 Purcell patent occurring prior to the filing of this
13 Third Amended Complaint.

SEVENTH CLAIM FOR RELIEF

Infringement of U.S. Patent No. 6,784,879

16 38. AMD incorporates by reference the allegations set forth in paragraphs 1 through
17 37 above as if specifically set forth herein.

18 39. Defendants have directly infringed one or more claims of the '879 Orr patent,
19 literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271. The infringing
20 products include but are not limited to, for example, Samsung's LN-T1953H television, as well as
21 all other Samsung televisions or other display devices that incorporate or embody the claimed
22 invention. Such infringement remains ongoing.

23 40. As a consequence of Defendants' infringement, AMD is entitled to recover
24 damages adequate to compensate it for the injuries complained of herein, but in no event less than
25 a reasonable royalty. AMD further is entitled to have Defendants enjoined from committing
26 additional future acts of infringement which would subject AMD to irreparable harm.

PRAYER FOR RELIEF

28 **WHEREFORE**, AMD respectfully requests that this Court:

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1 A. enter judgment that each of the Defendants has infringed one or more claims of
2 one or more of the AMD Patents;

3 B. enter judgment that Defendants’ infringement of the ’592 Iacoponi patent has been
4 willful, deliberate, and intentional;

5 C. enter a preliminary and permanent injunction, pursuant to 35 U.S.C. § 283,
6 enjoining each of the Defendants, and all of their respective agents, servants, officers, directors,
7 employees, and all other persons acting in concert with them, directly or indirectly, from any
8 further acts of infringement of the non-expired AMD Patents;

9 D. enter an order, pursuant to 35 U.S.C. § 284, awarding to AMD damages adequate
10 to compensate for Defendants’ infringement of the AMD Patents (and, if necessary, related
11 accountings), in an amount to be determined at trial, but not less than a reasonable royalty;

12 E. enter an order, pursuant to 35 U.S.C. § 284, trebling damages awarded to AMD to
13 the extent Defendants’ infringement of the ’592 Iacoponi patent is determined to have been
14 willful;

15 F. enter an order, pursuant to 35 U.S.C. § 285, deeming this to be an “exceptional
16 case” and thereby awarding to AMD its reasonable attorneys’ fees, costs, and expenses;

17 G. enter an order that Defendants account for and pay to AMD the damages to which
18 AMD is entitled as a consequence of the infringement;

19 H. enter an order awarding to AMD pre- and post-judgment interest at the maximum
20 rates allowable under the law; and,

21 I. enter an order awarding to AMD such other and further relief, whether at law or in
22 equity, that this Court deems just and proper.

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Respectfully submitted,

1 DATED: March ___, 2010

2 **ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

3
4 By: _____
5 William H. Manning
6 Brad P. Engdahl
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8 **REED SMITH L.L.P.**

9 John P. Bovich

10 Attorneys for Plaintiffs Advanced Micro
11 Devices, Inc. and ATI Technologies, ULC

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DEMAND FOR JURY TRIAL

AMD demands a jury trial on all issues so triable.

DATED: March ___, 2010

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William H. Manning
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and ATI Technologies, ULC