

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Virginia on the following  Patents or  Trademarks:

DOCKET NO. 3:08CV735	DATE FILED 11/12/2008	U.S. DISTRICT COURT Eastern District of Virginia, Richmond Division
PLAINTIFF  QIMONDA AG		DEFENDANT  LSI CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,213,670		(see attached complaint)
2 5,646,434		
3 5,851,899		
4 6,103,456		
5 6,495,918		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,593,240		
2 8,714,055		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK FERNANDO GALINDO, CLERK	(BY) DEPUTY CLERK <i>Carolyn McCracken</i>	DATE 11/13/2008
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '240 patent.

69. On information and belief, the infringement of the '240 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

70. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

**X. COUNT VII - INFRINGEMENT OF U.S. PATENT NO. 6,714,055**

71. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

72. On March 30, 2004, U.S. Patent No. 6,714,055 ("the '055 patent"), entitled "Output Driver Devices," was duly and legally issued from the United States Patent and Trademark Office to the inventor, Michael Hausmann ("the '055 patent inventor"). All right, title, and interest in the '055 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '055 patent. A copy of the '055 patent is attached as Exhibit G.

73. The '055 patent is currently in full force and effect.

74. In accordance with 35 U.S.C. § 282, the '055 patent, and each and every claim thereof, is presumed valid.

75. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '055 patent.

76. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '055 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '055 patent.

77. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '055 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '055 patent.

78. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '055 patent by making, using, offering for sale, and/or selling

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '055 patent.

79. On information and belief, the infringement of the '055 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

80. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

#### **XI. DEMAND FOR JURY TRIAL**

81. Qimonda demands a trial by jury on all issues so triable.

**WHEREFORE**, Qimonda requests the following relief:

1. The Court enter a judgment in favor of Qimonda, declaring that LSI has infringed, induced the infringement of, and/or contributorily infringed the '670, '434, '899, '456, '918, '240, and '055 patents as set forth in this complaint;

2. The Court enter a judgment in favor of Qimonda, declaring that LSI's infringement of the '670, '434, '899, '456, '918, '240, and '055 patents has been willful and trebling damages awarded to Qimonda, as provided by 35 U.S.C. § 284;

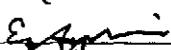
3. The Court preliminarily and permanently enjoins LSI, and those in active concert with it, from infringing the '670, '434, '899, '456, '918, '240, and '055 patents;

4. The Court awards Qimonda all damages adequate to compensate Qimonda for all acts of infringement of the '670, '434, '899, '456, '918, '240, and '055 patents, but in no event less than a reasonable royalty, together with prejudgment and post-judgment interest and costs fixed by the Court, as provided by 35 U.S.C. § 284;

5. The Court declares that this is an exceptional case and for an award of Qimonda of its attorneys' fees incurred in prosecuting this action, as provided by 35 U.S.C. §285; and

6. The Court grants Qimonda such other and further relief as justice may require.

Respectfully submitted this 12<sup>th</sup> day of November 2008.

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

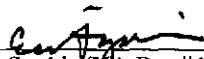
QIMONDA AG,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
LSI CORPORATION,	)	
	)	
	)	
Defendant.	)	

**PLAINTIFF'S FINANCIAL INTEREST DISCLOSURE STATEMENT**

Pursuant to Local Rule 7.1 of the Eastern District of Virginia, Plaintiff Qimonda AG makes the following disclosure:

1. Infineon Technologies AG, a publicly traded company with its headquarters in Neubiberg, Germany, owns 77.5 percent of Qimonda AG's outstanding shares.

Respectfully submitted this 12<sup>th</sup> day of November 2008.

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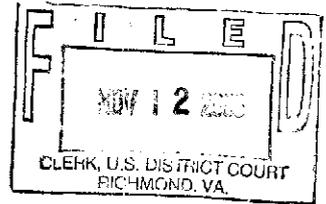
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Attorneys for Plaintiff Qimonda AG

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



QIMONDA AG,  
Plaintiff,  
v.  
LSI CORPORATION,  
Defendant.

Civil Action No. 03-0001735

**COPY**

**COMPLAINT FOR PATENT INFRINGEMENT**

For its Complaint against Defendant LSI Corporation ("LSI"), Plaintiff Qimonda AG ("Qimonda") alleges as follows:

**I. NATURE OF THE CASE**

1. Qimonda seeks injunctive relief and damages for acts of patent infringement, engaged by LSI, in violation of the patent laws of the United States.

**II. PARTIES AND JURISDICTION**

2. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. The Court's jurisdiction is proper under the above statutes, including 35 U.S.C. §§ 271, et seq., and 28 U.S.C. §§ 1331 and 1338(a).

3. Qimonda is a German corporation having a principal place of business at Gustav-Heinemann-Ring 212, 81739 Munich, Germany.

4. Qimonda Richmond LLC, having a principal place of business at 6000 Technology Boulevard, Richmond, Virginia ("Qimonda Richmond"), within this judicial district, is a wholly-owned subsidiary of Qimonda. Qimonda Richmond comprises a semiconductor manufacturing facility having over two-thousand employees. Qimonda Richmond manufactures semiconductor integrated circuits according to many of Qimonda's patented inventions identified in this Complaint, and it is also a location where Qimonda conducts research and development.



10. Upon information and belief, these products, and additional LSI products, are being offered for sale and/or have been sold throughout the United States, including at Office Depot, which is located within this division and is a retailer of LSI products in this judicial division.

#### **IV. COUNT I - INFRINGEMENT OF U.S. PATENT NO. 5,213,670**

11. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

12. On May 25, 2993, U.S. Patent No. 5,213,670 ("the '670 patent"), entitled "Method for Manufacturing a Polycrystalline Layer on a Substrate," was duly and legally issued from the United States Patent and Trademark Office to the inventors, Emmerich Bertagnolli and Herbert Kabza ("the '670 patent inventors"). All right, title, and interest in the '670 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '670 patent. A copy of the '670 patent is attached as Exhibit A.

13. The '670 patent is currently in full force and effect.

14. In accordance with 35 U.S.C. § 282, the '670 patent, and each and every claim thereof, is presumed valid.

15. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '670 patent.

16. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '670 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '670 patent.

17. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '670 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of the claims of one or more '670 patent.

18. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '670 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '670 patent.

19. On information and belief, the infringement of the '670 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

20. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

**V. COUNT II - INFRINGEMENT OF U.S. PATENT NO. 5,646,434**

21. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

22. On July 8, 1997, U.S. Patent No. 5,646,434 ("the '434 patent"), entitled "Semiconductor Component with Protective Structure for Protecting Against Electrostatic Discharge," was duly and legally issued from the United States Patent and Trademark Office to the inventors, Ioannis Chrysostomides, Xaver Guggenmos, Wolfgang Nikutta, Werner Reczek, Johann Rieger, Johannes Stecker, and Hartmud Terletzki ("the '434 patent inventors"). All right, title, and interest in the '434 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '434 patent. A copy of the '434 patent is attached as Exhibit B.

23. The '434 patent is currently in full force and effect.

24. In accordance with 35 U.S.C. § 282, the '434 patent, and each and every claim thereof, is presumed valid.

25. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '434 patent.

26. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '434 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '434 patent.

27. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '434 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '434 patent.

28. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '434 patent by making, using, offering for sale, and/or selling

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '434 patent.

29. On information and belief, the infringement of the '434 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

30. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

**VI. COUNT III - INFRINGEMENT OF U.S. PATENT NO. 5,851,899**

31. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

32. On December 22, 1998, U.S. Patent No. 5,851,899 ("the '899 patent"), entitled "Gapfill and Planarization Process for Shallow Trench Isolation," was duly and legally issued from the United States Patent and Trademark Office to the inventor, Peter Weigand ("the '899 patent inventor"). All right, title, and interest in the '899 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '899 patent. A copy of the '899 patent is attached as Exhibit C.

33. The '899 patent is currently in full force and effect.

34. In accordance with 35 U.S.C. § 282, the '899 patent, and each and every claim thereof, is presumed valid.

35. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '899 patent.

36. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '899 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '899 patent.

37. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '899 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '899 patent.

38. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '899 patent by making, using, offering for sale, and/or selling

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '899 patent.

39. On information and belief, the infringement of the '899 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

40. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

**VII. COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 6,103,456**

41. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

42. On August 15, 2000, U.S. Patent No. 6,103,456 ("the '456 patent"), entitled "Prevention of Photoresist Poisoning from Dielectric Antireflective Coating in Semiconductor Fabrication," was duly and legally issued from the United States Patent and Trademark Office to the inventors, Dirk Többen and Gill Yong Lee ("the '456 patent inventors"). All right, title, and interest in the '456 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '456 patent. A copy of the '456 patent is attached as Exhibit D.

43. The '456 patent is currently in full force and effect.

44. In accordance with 35 U.S.C. § 282, the '456 patent, and each and every claim thereof, is presumed valid.

45. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '456 patent.

46. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '456 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '456 patent.

47. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '456 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '456 patent.

48. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '456 patent by making, using, offering for sale, and/or selling

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '456 patent.

49. On information and belief, the infringement of the '456 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

50. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

#### **VIII. COUNT V - INFRINGEMENT OF U.S. PATENT NO. 6,495,918**

51. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

52. On December 17, 2002, U.S. Patent No. 6,495,918 ("the '918 patent"), entitled "Chip Crack Stop Design for Semiconductor Chips," was duly and legally issued from the United States Patent and Trademark Office to the inventor, Axel Cristoph Brintzinger ("the '918 patent inventor"). All right, title, and interest in the '918 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '918 patent. A copy of the '918 patent is attached as Exhibit E.

53. The '918 patent is currently in full force and effect.

54. In accordance with 35 U.S.C. § 282, the '918 patent, and each and every claim thereof, is presumed valid.

55. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '918 patent.

56. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '918 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '918 patent.

57. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '918 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '918 patent.

58. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '918 patent by making, using, offering for sale, and/or selling

integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '918 patent.

59. On information and belief, the infringement of the '918 patent by LSI has been with notice and knowledge of the patent and has therefore been willful.

60. Qimonda has been irreparably damaged and harmed by LSI's infringement, and this damage and harm will continue unless LSI is enjoined by this Court.

**IX. COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 6,593,240**

61. Qimonda incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 10 of this Complaint.

62. On July 15, 2003, U.S. Patent No. 6,593,240 ("the '240 patent"), entitled "Two Step Chemical Mechanical Polishing Process," was duly and legally issued from the United States Patent and Trademark Office to the inventor, Joseph Page ("the '240 patent inventor"). All right, title, and interest in the '240 patent has been assigned to Qimonda, including the right to sue for and recover all past, present, and future damages for infringement of the '240 patent. A copy of the '240 patent is attached as Exhibit F.

63. The '240 patent is currently in full force and effect.

64. In accordance with 35 U.S.C. § 282, the '240 patent, and each and every claim thereof, is presumed valid.

65. On information and belief, LSI's integrated circuits and products containing the same include all elements of one or more claims of the '240 patent.

66. On information and belief, LSI has in the past and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the '240 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '240 patent.

67. On information and belief, LSI has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '240 patent by making, using, offering for sale, and/or selling integrated circuits and products containing the same in the United States that are within the scope of one or more claims of the '240 patent.

68. On information and belief, LSI has in the past and continues to contributorily infringe one or more claims of the '240 patent by making, using, offering for sale, and/or selling