

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

In the Matter of

**CERTAIN WAFER-LEVEL PACKAGING
SEMICONDUCTOR DEVICES AND
PRODUCTS CONTAINING SAME
(INCLUDING CELLULAR PHONES,
TABLETS, LAPTOPS, AND
NOTEBOOKS) AND COMPONENTS
THEREOF**

Investigation No. 337-TA-_____

**COMPLAINT OF TESSERA ADVANCED TECHNOLOGIES, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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5	CONFIDENTIAL Identification of Licensees
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7	CONFIDENTIAL Claim Chart: Infringement of '001 patent by Samsung Galaxy S8
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D.	Copies of References Cited in the Prosecution History of U.S. Patent No. 6,784,557

I. INTRODUCTION

1.1. Tessera Advanced Technologies, Inc. (“Tessera” or “Complainant”) requests that the United States International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation, sale for importation, and/or sale after importation of wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof. These products infringe claims 1-8 of United States Patent No. 6,784,557 (“557 patent”) and claims 1-18 of United States Patent No. 6,954,001 (“001 patent”) (collectively, the “Asserted Patents”).

1.2. The Asserted Patents are intellectual property relating to semiconductor packaging technology. As the Commission is aware, semiconductor manufacturing and design is the key technology driving the modern computing, telecommunications, and information revolution. As it becomes increasingly difficult to make smaller circuit elements for computer chips, the industry has turned to technologies that enable it to add more complexity by building up—producing 3D memory, 3D CPUs and backside-illuminated CMOS image sensors. Semiconductor wafer-level packaging (WLP) is a key technology that will enable the next generation of semiconductor devices. WLP involves packaging semiconductor chips at the wafer-level, i.e., when the chips are still part of the wafer, before the wafer is diced into separate chips, also called die. A key benefit of WLP is reduced package size—the resulting package can be virtually the same size as the die. Complainant’s innovative packaging techniques are leading technologies in the field of wafer-level packaging.

1.3. Patent and Trademark Office certified copies of the recorded assignments for the Asserted Patents are attached to this Complaint as Exhibits 3 and 4.

1.4. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to Complainant's exploitation of the Asserted Patents.

1.5. The proposed Respondents are Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor Inc. The proposed Respondents are collectively referred to throughout this complaint as "Respondents" or "Samsung."

1.6. On information and belief, each of the Respondents currently designs, uses, tests, manufactures, imports into the United States, sells for importation into the United States, sells in the United States after importation, and/or instructs other Respondents regarding the use or manufacture of wafer-level packaging semiconductor devices and products containing same that directly infringe, contributorily infringe, and/or induce the infringement of, the Asserted Patents. These infringing products include Power Management IC ("PMIC") chips used in Samsung's flagship Galaxy and Note smartphones.

1.7. Complainant seeks, as relief, a limited exclusion order barring from entry into the United States infringing wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks), and components thereof, manufactured by or on behalf of, or imported by or on behalf of, the proposed respondents. Complainant also seeks a cease and desist order prohibiting the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks), and components thereof.

II. COMPLAINANT

2.1. Complainant Tessera Advanced Technologies, Inc. is a Delaware corporation with its principal place of business at 3025 Orchard Parkway, San Jose, California.

2.2. Complainant is a wholly-owned subsidiary of its ultimate parent company, Xperi Corporation (“Xperi”). Xperi, a 27-year-old public company based in Silicon Valley with 27 offices around the world and approximately 700 employees (predominantly scientists and engineers), has established one of the largest and most prolific research, development, and licensing businesses in the United States. About half of Xperi’s projected annual revenues come from licensing its products, and about half from patent licensing. In 2017, Xperi forecasts spending approximately \$100 million on research and development.

2.3. Xperi and its subsidiaries are known for their audio, imaging, and semiconductor technologies. They license their technologies to global electronic device companies who, in turn, integrate the technologies into their own enterprise, consumer electronics and semiconductor products. Xperi’s technologies and solutions are widely proliferated. Its DTS audio technologies have shipped in billions of devices for the home, mobile and automotive markets. Its FotoNation imaging technologies are embedded in more than 25% of smartphones on the market today. And its semiconductor packaging and interconnect technologies have been licensed to more than 100 customers and have shipped in over 100 billion semiconductor chips. Key end-markets enabled by Xperi’s technology solutions include home, datacenter, mobile, and automotive.

2.4. Xperi has been an innovator in semiconductor packaging technology since its subsidiary Tessera’s formation in 1990. The Commission’s Administrative Law Judges have

previously found that its “Tessera Compliant Chip” (TCC®) chip-scale package technology caused a “paradigm shift” in the semiconductor industry.¹ Xperi’s packaging technologies are used in nearly 100% of today’s DRAM chips and in a wide range of semiconductor devices that are ubiquitous in smartphones, tablets, and other electronics. In 2015, Tessera Technologies, Inc. was rated 8th among all companies in the IEEE’s Patent Power Scorecard for the field of semiconductor manufacturing. *See* Exhibit 12.

2.5. Certified copies of the ’001 and ’557 patents are attached as Exhibits 1 and 2, respectively. Complainant owns all right, title, and interest in the Asserted Patents. Each of the Asserted Patents is subject to a lien and security interest granted to the Royal Bank of Canada as collateral agent in connection with a Credit Agreement entered by Complainant’s parent company, Xperi (then Tessera Holding Corporation), on December 1, 2016, and memorialized in, *e.g.*, Xperi’s SEC Form 10-Q for the quarter ended August 2, 2017, which is attached hereto as Exhibit 11. From December 1, 2016 until the filing of this complaint, Xperi has remained in compliance with all terms of the Credit Agreement. A copy of the Credit Agreement is attached hereto as Confidential Exhibit 18.

III. PROPOSED RESPONDENTS

3.1. Proposed respondent Samsung Electronics Co., Ltd. is a Korea corporation with its principal place of business at 129 Samsung-ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, South Korea 443-742. Upon information and belief, Samsung Electronics Co., Ltd. is involved in at least the design, development, manufacture, sale for importation,

¹ *Certain Semiconductor Chips with Minimized Package Size and Products Containing Same*, Inv. No. 337-TA-432, Initial Determination at *64 (Sept. 25, 2001).

importation, and sale after importation of wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof.

3.2. Proposed respondent Samsung Electronics America, Inc. is a New Jersey corporation with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief, Samsung Electronics America, Inc. is involved in at least the importation, sale after importation, and distribution of Samsung Electronics Co., Ltd.'s wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof.

3.3. Proposed respondent Samsung Semiconductor, Inc. ("SSI") is a wholly owned subsidiary of Samsung Electronics America, Inc. and is a corporation organized and existing under the laws of the state of California, having a principal place of business at 3655 N. First St., San Jose, California 95134. SSI is in the business of designing, fabricating, and/or manufacturing integrated circuits in conjunction with its ultimate parent Samsung Electronics Co., Ltd. Upon information and belief, SSI is involved in at least the importation, testing, use, sale after importation, and distribution of Samsung Electronics Co., Ltd.'s wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof.

IV. THE TECHNOLOGY AND PRODUCTS-AT-ISSUE

4.1. This investigation relates generally to technologies for packaging semiconductor devices and elements. Pursuant to 19 C.F.R. § 210.12(a)(12), the categories of the Accused Products may be plainly described as: (a) wafer-level packaging (WLP) semiconductor devices including, *e.g.*, Power Management Integrated Circuit (PMIC) chips, and components thereof; and (b) products containing same and components thereof (the "Accused Products"). WLP

semiconductor devices involve packaging semiconductor chips at the wafer-level, i.e., when the chips are still part of the wafer, before the wafer is diced into separate chips, or die. A key benefit of WLP is reduced package size—the resulting package can be virtually the same size as the die. Section VII, *infra*, identifies specific exemplary instances of unlawful importation and sale of the Accused Products. Exemplary infringing products include PMIC chips in Samsung’s flagship Galaxy and Note smartphones, including the Galaxy S8 and Galaxy Note 8. The accused products also include personal computers such as laptops, notebooks, and netbooks; tablets; cameras; and other electronic devices with wafer-level packaging semiconductor components. Additional infringing products subject to the relief requested may be discovered as part of this investigation, if instituted.

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS

5.1. There are two patents asserted in this Complaint: U.S. Patent Nos. 6,954,001 and 6,784,557.

A. U.S. Patent No. 6,954,001

1. Identification of the Patent and Ownership by Tessera

5.2. The '001 patent, entitled “Semiconductor Device Including a Diffusion Layer,” issued on October 11, 2005, to inventors Yoshifumi Nakamura, Ryuichi Sahara, Nozomi Shimoishizaka, Kazuyuki Kainou, Keiji Miki, Kazumi Watase, and Yasutake Yaguchi. The '001 patent issued from U.S. Patent Application No. 10/919,402, filed August 17, 2004. It is a divisional of U.S. Patent Application No. 10/307,450, filed December 2, 2002, and claims priority to Japanese Patent Application No. 2001-387051, filed December 20, 2001.

5.3. The '001 patent has two independent claims and sixteen dependent claims. Claims 1-18 are asserted in this Complaint.

5.4. Complainant Tessera owns by assignment the entire right, title, and interest in and to the '001 patent, subject to the lien and security interest described above. *See* Exhibits 2 and Confidential Exhibit 18.

5.5. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '001 patent, and four copies of all cited references. *See* Appendices A and B.

2. Non-Technical Description of the Patent

5.6. The '001 patent relates generally to an improvement in chip reliability using a semiconductor packaging technology that has sometimes been referred to as "Chip Scale Package" or "CSP." In particular, the '001 Patent describes improving the junction reliability between a solder ball electrode and a metal wiring that electrically connects the solder ball electrode to an electrode of the chip. The '001 patent teaches the formation of an external electrode portion of the metal wiring that is greater in thickness than the non-electrode portion of the metal wiring. The extra thickness ensures that tin from the solder ball electrode will not diffuse to the bottom of the external electrode portion. This prevents an alloy that is brittle and prone to fracturing from forming through the entire thickness of the external electrode portion, leaving a portion unchanged and maintaining good junction reliability. By contrast, prior art techniques mounted the solder ball electrode onto a metal wiring portion without the added thickness. These techniques allowed tin to diffuse to the bottom of the metal wiring which introduced junction reliability issues, particularly as metal wiring thicknesses grew smaller with shrinking chip size.

3. Foreign Counterparts to the Patent

5.7. A list of each foreign patent, each foreign patent application (not already issued as a patent) and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '001 patent is attached as Exhibit 16.

B. U.S. Patent No. 6,784,557

1. Identification of the Patent and Ownership by Tessera

5.8. The '557 patent, entitled "Semiconductor Device Including a Diffusion Layer Formed Between Electrode Portions," issued on August 31, 2004, to inventors Yoshifumi Nakamura, Ryuichi Sahara, Nozomi Shimoishizaka, Kazuyuki Kainou, Keiji Miki, Kazumi Watase, and Yasutake Yaguchi. The '557 patent issued from U.S. Patent Application No. 10/307,450, filed on December 2, 2002, and claims priority to Japanese Patent Application No. 2001-387051, filed December 20, 2001.

5.9. The '557 patent has one independent claim and seven dependent claims. Claims 1-8 are asserted in this Complaint.

5.10. Complainant Tessera owns by assignment the entire right, title, and interest in and to the '557 patent, subject to the lien and security interest described above. *See* Exhibits 4 and Confidential Exhibit 18.

5.11. This Complaint is accompanied by a certified copy and three copies of the prosecution history of the '557 patent, and four copies of all cited references. *See* Appendices C and D.

2. Non-Technical Description of the Patent

5.12. The '557 patent relates generally to an improvement in chip reliability using a semiconductor packaging technology that has sometimes been referred to as "Chip Scale Package" or "CSP." In particular, the '557 Patent describes improving the junction reliability

between a solder ball electrode and a metal wiring that electrically connects the solder ball electrode to an electrode of the chip. The '557 patent teaches the formation of an external electrode portion of the metal wiring that is greater in thickness than the non-electrode portion of the metal wiring. The extra thickness ensures that tin from the solder ball electrode will not diffuse to the bottom of the external electrode portion. This prevents an alloy that is brittle and prone to fracturing from forming through the entire thickness of the external electrode portion, leaving a portion unchanged and maintaining good junction reliability. By contrast, prior art techniques mounted the solder ball electrode onto a metal wiring portion without the added thickness. These techniques allowed tin to diffuse to the bottom of the metal wiring which introduced junction reliability issues, particularly as metal wiring thicknesses grew smaller with shrinking chip size.

3. Foreign Counterparts to the Patent

5.13. A list of each foreign patent, each foreign patent application (not already issued as a patent) and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '557 patent is attached as Exhibit 17.

VI. LICENSES

6.1. Pursuant to Commission Rule 210.12(a)(9)(iii), the licensed entities for the Asserted Patents are listed in Confidential Exhibit 5 to this Complaint.² There are no other licensed entities to the Asserted Patents other than those listed in Confidential Exhibit 5.

² License agreements submitted pursuant to Commission Rule 210.12(9)(iv) accompany this Complaint as Confidential Exhibit 6.

VII. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS — PATENT INFRINGEMENT

7.1. The Accused Products are wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof. In particular, the accused products include PMIC chips in Samsung's flagship Galaxy and Note smartphones, including the Galaxy S8 and Galaxy Note 8, as well as personal computers such as laptops, notebooks, and netbooks; tablets; cameras; and other electronic devices with wafer-level packaging semiconductor components.

7.2. On information and belief, Samsung manufactures or has manufactured for it, sells for importation, imports, and/or sells after importation wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof.

7.3. On information and belief, the accused Samsung products include one or more wafer-level packaging semiconductor devices. Claim charts accompanying this Complaint set forth the analysis of infringement by at least one exemplary accused product of the Asserted Patents.

7.4. Examples of accused Samsung devices are the Samsung Galaxy and Galaxy Note products, including the Samsung Galaxy S8 and Galaxy Note 8, which infringe one or more of the Asserted Patents. Complainants believe that these exemplary Samsung products are representative of many other Samsung products imported, sold for importation, and/or sold in the United States after importation by Samsung that feature the same or substantially similar infringing functionality as the exemplary accused products. Accordingly, on information and belief, Complainant alleges that numerous other Samsung products infringe the Asserted Patents and have been and are being imported, sold for importation, and/or sold in the United States after

importation by or on behalf of Samsung. Complainant has not yet had the benefit of discovery, and thus this identification of specific models or types of products is not intended to limit the scope of the investigation. Any remedy should extend to all infringing products.

7.5. On information and belief, Samsung's accused devices infringe independent claims 1 and 10 and dependent claims 2-9 and 11-18 of the '001 patent.

7.6. Charts that apply independent claims 1 and 10 and dependent claims 2-9 and 11-18 of the '001 patent to the accused devices are attached to the Complaint as Confidential Exhibit 7.

7.7. On information and belief, Samsung's accused devices infringe independent claim 1 and dependent claims 2-8 of the '557 patent.

7.8. Charts that apply independent claim 1 and dependent claims 2-8 of the '557 patent to the accused devices are attached to the Complaint as Confidential Exhibit 8.

7.9. Samsung infringes the Asserted Patents both directly and indirectly. Samsung directly infringes the Asserted Patents by making, using, offering to sell, or selling the Accused Products in the United States and by importing the Accused Products into the United States in violation of 35 U.S.C. § 271(a).

7.10. On information and belief, Samsung also actively, knowingly, and intentionally induces infringement of the Asserted Patents under 35 U.S.C. § 271(b) by actively encouraging others to make, use, offer to sell, sell, and/or import the Accused Products in this judicial district and elsewhere in the United States. For example, Samsung actively promotes the sale, use, and importation of its infringing chips in marketing materials, technical specifications, data sheets, web pages on its website (*e.g.*, www.samsung.com), press releases, and user manuals, as well as at trade shows (*e.g.*, CES and Mobile World Congress) and through its sales and distribution

channels that encourage infringing sales, offers to sell, and importation of the Accused Products or products containing infringing chips in the Accused Products. *See, e.g., How-Tos*, SAMSUNG GALAXY S8 | S8+, <http://www.samsung.com/global/galaxy/galaxy-s8/how-to/> (last visited Sept. 26, 2017); *Buy Now* SAMSUNG WEBSITE, <http://www.samsung.com/us/explore/galaxy-s8/buy/s/Device/> (last visited Sept. 26, 2017).

7.11. Samsung has had knowledge of the Asserted Patents and that its activities infringe the '001 patent since at least May 2, 2016. On that date, Plaintiff made a presentation to Samsung explaining the benefits of its patented technologies, and how Samsung was infringing them. That presentation specifically identified the '001 and '557 patents by name and title. By continuing its actions, Samsung has had the specific intent to induce, or was willfully blind of inducing, infringement of the '001 patent.

VIII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

8.1. On information and belief, Samsung is importing, selling for importation, and/or selling within the United States after importation, wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof.

8.2. The specific instances set forth below are representative examples of Samsung's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

8.3. Prior to filing the Complaint, representatives for Complainant purchased several imported Samsung devices in the United States. Exhibit 13 includes a copy of a receipt for purchase in the United States of a representative device and a series of photographs of the device. Labels on the device box state that the device was made by Samsung. Labels on the device state that it was made by Samsung and manufactured in Vietnam.

IX. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

9.1. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the infringing wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof may be imported into the United States may be at least HTSUS 8471.30.01 (portable automatic data processing machines, weighing not more than 10kg, consisting of at least a central processing unit, a keyboard, and a display), HTSUS 8471.41.01 (other automatic data processing machines comprising in the same housing at least a central processing unit and an input and output unit), HTSUS 8471.60.10 (input or output units, whether or not containing storage units in the same housing), HTSUS 8471.60.70 (other units suitable for physical incorporation into automatic data processing machines or units thereof), HTSUS 8473.30.11 (parts and accessories of the machines of heading 8471, including printed circuit assemblies), 8473.30.20 (parts and accessories of printed circuit assemblies), 8473.50.30 (parts and accessories equally suitable for use with machines of two or more of the headings 8469 to 8472, including printed circuit assemblies), 8473.50.60 (parts and accessories equally suitable for use with machines of two or more of the headings 8469 to 8472, including parts and accessories of printed circuit assemblies), HTSUS 8517.12.00 (telephones for cellular or other wireless networks), HTSUS 8517.62.00 (machines for the reception, conversion, and transmission of voice, images or other data, including modems), HTSUS 8517.70.00 (parts for articles under heading 8517, including telephones for cellular or other wireless networks), HTSUS 8541.50.00 (other semiconductor devices), HTSUS 8542.31.00 (processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits) and HTSUS 8542.32.00 (memories). These classifications are intended for

illustration only and are not intended to be restrictive of the accused products or of products subject to the relief requested.

X. THE DOMESTIC INDUSTRY

10.1. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists in the United States in connection with each of the Asserted Patents.

10.2. A domestic industry under subparts (A), (B), and/or (C) of Section 337(a)(3) exists by virtue of the activities within the United States by Tessera and licensee Micron Technology, Inc. ("Micron"), including by virtue of their significant investment in plant and equipment; significant employment of labor or capital; and/or their research, development, application engineering, and licensing.

A. The Economic Prong of the Domestic Industry Requirement Is Satisfied

10.3. Micron makes (a) significant investment in plant and equipment; (b) significant investment in labor or capital; and/or (c) substantial investment in research and development of articles protected by the Asserted Patents.

10.4. At least the following three Micron parts are licensed to the Asserted Patents: MT25QU128ABA8E54-0SIT, MT25QU256ABA8E55-0SIT, and MT25QU512ABB8E56-0SIT NOR Flash; as well as Micron devices utilizing the 6LA17 RW289 and 70A17 RW250 components (collectively, the "DI Products"). The DI Products are manufactured, at least in part, in the United States. Confidential Exhibit 15 (Micron Second Declaration) at ¶¶ 3-6.

10.5. Micron has made and continues to make significant and substantial investments in the manufacture, research, and/or product development in the United States in connection with the DI Products. Tessera expects that discovery will show that the domestic industry requirements of subparagraphs 337(a)(3)(A), 337(a)(3)(B), and 337(a)(3)(C) are each independently satisfied by Micron's domestic activities and investments.

10.6. Micron is a Delaware corporation with its executive offices in Boise, Idaho. Confidential Exhibit 14 (Micron First Declaration) at ¶ 4. From its headquarters, Micron offers one of the world's broadest memory portfolios that includes powerful DRAM, NAND, and NOR solutions for computing, networking, and mobile embedded and consumer applications. *Id.* Micron has three major manufacturing facilities in the United States: Boise, Idaho; Lehi, Utah; and Manassas, Virginia. *Id.* at ¶ 6. Micron also maintains facilities in Longmont, Colorado; Meridian, Idaho; Folsom, California; Santa Clara, California; San Diego, California; Milpitas, California; Minneapolis, Minnesota; Allen, Texas; Austin, Texas; and Seattle, Washington. *Id.*

10.7. As of September 1, 2016, Micron had net property, plant, and equipment of \$3.89 billion in the United States. *Id.* at ¶ 5. As of September 1, 2016, Micron had 31,400 employees. *Id.* Many of these employees are located in the United States. *Id.* at ¶ 6.

10.8. In Manassas, Virginia, the company's 300mm wafer fabrication facility manufactures DRAM, NAND, and NOR memory components used in a variety of devices, such as cell phones, personal computers, and web servers. *Id.* at ¶ 7. As of September 1, 2016, Micron had net property, plant, and equipment of \$283 million associated with the Manassas location. As of September 1, 2016, this facility employed approximately 1,300 employees and is shown below:



Id.

10.9. Micron recognized research and development expenses of \$1.62 billion in fiscal year 2016 and \$1.54 billion in fiscal year 2015, including research and development related to the technology claimed by the Asserted Patents. *Id.* at ¶ 8.

10.10. Upon information and belief, the plant, equipment, labor, capital, and other investments made by Micron are directly related to the DI Products and the Asserted Patents. Accordingly, Micron has made and continues to make investments in manufacture, research, and product development in the United States relating to the DI Products that are significant and substantial.

B. The Technical Prong of the Domestic Industry Requirement Is Satisfied

10.11. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists in the United States in connection with each of the Asserted Patents.

10.12. Claim charts and explanatory information for products and processes that currently practice at least one exemplary claim of the Asserted Patents accompany this complaint.

10.13. Confidential Exhibit 9 is a claim chart that discloses how Micron's MT25QU512ABB8E56-OSIT NOR Flash product practices at least one claim of the '001 patent.

10.14. Confidential Exhibit 10 is a claim chart that discloses how Micron's MT25QU512ABB8E56-OSIT NOR Flash product practices at least one claim of the '557 patent.

XI. RELATED LITIGATION

11.1. On May 23, 2016, Complainant and its affiliate Tessera, Inc. filed a Complaint in the United States District Court for the District of Delaware alleging infringement of one or more claims of the '001 patent, along with three unrelated patents not asserted in this litigation. The defendant in that action is Broadcom Corporation. The litigation is currently pending as Case No. 1:16-cv-00380.

11.2. On May 24, 2017, Broadcom Corporation filed a Petition for Inter Partes Review of the '001 patent at the U.S. Patent and Trademark Office. The Petition is currently pending an institution decision before the Patent Trial and Appeals Board as Case No. IPR2017-01486.

11.3. Concurrently with the filing of this Complaint, Complainant also has filed a complaint in the United States District Court for the District of New Jersey against two of the proposed respondents alleging infringement of the '001 and '557 patents.

11.4. There are no other litigations related to the '001 or '557 patents.

XII. RELIEF REQUESTED

12.1. WHEREFORE, by reason of the foregoing, Complainant respectfully requests that the U.S. International Trade Commission:

(a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1) with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation into the United States by the proposed respondents of infringing wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and

components thereof, that infringe one or more of the asserted claims of U.S. Patent Nos. 6,954,001 and 6,784,557.

(b) Find a violation of Section 337 based on said unlawful acts;

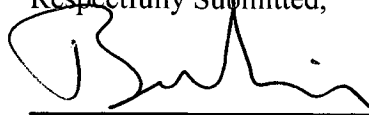
(c) Issue a permanent limited exclusion order under 19 U.S.C. § 1337(d)(1) barring from entry into the United States all infringing wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof manufactured by or on behalf of, or imported by or on behalf of, each of the respondents or their affiliates;

(d) Issue permanent cease and desist orders, under 19 U.S.C. § 1337(f), directing each respondent to cease and desist from the sale for importation, importation, sale after importation, distribution, offering for sale, promoting, marketing, advertising, testing, demonstrating, warehousing inventory for distribution, solicitation of sales, programming, repairing, maintaining, using, transferring, and other commercial activity relating to infringing wafer-level packaging semiconductor devices, and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof; and

(e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: September 28, 2017

Respectfully Submitted,



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