

Request
for Judicial Notice
Exhibit H

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JUL 24 2006

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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COPY

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

JCS

17 MICRON TECHNOLOGY, INC.,
18 Plaintiff,
19 vs.
20 MOSAID TECHNOLOGIES
21 INCORPORATED,
22 Defendant.

Case No. **C06-04496**
COMPLAINT FOR DECLARATORY
JUDGMENT
—AND—
DEMAND FOR JURY TRIAL

1 Plaintiff Micron Technology, Inc. (“Micron”) alleges as follows for its Complaint for
2 Declaratory Judgment against defendant MOSAID Technologies Incorporated (“MOSAID”):

3 **PARTIES**

4 1. Micron is a Delaware corporation with its principal place of business in Boise, Idaho.
5 Micron is engaged in the business of designing, manufacturing and selling advanced semiconductor
6 products.

7 2. MOSAID is a foreign corporation with its principal place of business in Kanata,
8 Ontario, Canada. Upon information and belief, MOSAID’s primary business is licensing and
9 enforcing patents whose claims purportedly cover semiconductor technology.

10 **NATURE OF THE DISPUTE**

11 3. In this action, Micron seeks a declaration that: (i) it does not directly or indirectly
12 infringe fourteen United States patents owned by MOSAID; and (ii) these fourteen U.S. patents
13 owned by MOSAID are invalid. These fourteen MOSAID patents are identified below and will be
14 referred to herein as the “MOSAID Patents” or the “patents-in-suit.”

15 4. As explained further below, MOSAID has repeatedly asserted that every company
16 that makes DRAM products infringes the MOSAID Patents, and has also repeatedly stated its
17 intention to require every DRAM supplier to take a license to the MOSAID Patents. MOSAID
18 claims to have put virtually every DRAM supplier (large and small), including Micron, on “notice”
19 of its infringement. MOSAID has also sued every leading DRAM supplier for infringing some or
20 all of the MOSAID Patents and, with its June 14, 2006 settlement with Infineon, has now licensed
21 every leading DRAM supplier, except Micron.

22 5. In announcing its settlement with Infineon, MOSAID reaffirmed its commitment to
23 license every remaining unlicensed DRAM supplier and said that it would be “unrelenting” in the
24 assertion of its patents. It also stated that its lawsuits against Samsung, Hynix and Infineon had
25 demonstrated MOSAID’s “willingness to use the legal system to enforce [its] patents.” In view of
26 these circumstances, as well as MOSAID’s statements that the top four DRAM suppliers (Samsung,
27 Hynix, Micron and Infineon) account for over 75% of worldwide DRAM sales, and that the market
28 is “essentially split into very large and quite small DRAM producers,” it is clear that MOSAID’s

1 next target will be Micron. Indeed, press reports about the Infineon settlement have noted that the
2 market expects MOSAID to sue Micron for patent infringement.

3 6. MOSAID has also taken concrete steps to prepare to enforce its patents through
4 litigation against Micron by its announcement that a “key aspect” of its recent settlement agreement
5 with Infineon is that Infineon has agreed to file with MOSAID a joint motion to vacate both the
6 claim construction ruling in the *Infineon* case, which was largely unfavorable to MOSAID, and the
7 summary judgment ruling in that case that Infineon did not infringe six of MOSAID’s patents.
8 MOSAID has openly stated that its purpose in seeking to have these rulings vacated is to “reset the
9 clock” on those issues, so that “no one can rely on any of those former rulings,” and thereby “put
10 [us] in a stronger position for other potential licensees.” MOSAID’s efforts to vacate these adverse
11 rulings confirm its intent to enforce its patents through litigation.

12 7. Under these circumstances, Micron is under a reasonable apprehension that MOSAID
13 will sue Micron in the near future for alleged infringement of the MOSAID Patents. Micron
14 believes that it does not infringe the MOSAID Patents and that the MOSAID Patents are invalid.
15 Accordingly, there is an actual and justiciable controversy between Micron and MOSAID as to
16 whether Micron infringes the MOSAID Patents and whether the MOSAID Patents are valid. On
17 that basis, Micron brings this declaratory judgment action.

18 **JURISDICTION, VENUE AND INTRADISTRICT ASSIGNMENT**

19 8. This Court has jurisdiction over the subject matter of this lawsuit pursuant to 28
20 U.S.C. §§ 2201-2202, 1331 and 1338(a).

21 9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d), and
22 1400(b). MOSAID is subject to personal jurisdiction in this district because, among other reasons,
23 it has purposefully directed activities to this district, maintains two offices in this district, and has
24 general and systematic contacts with this district.

25 10. This is an intellectual property action; therefore, pursuant to Civil L.R. 3-2(c), it may
26 be assigned on a district-wide basis. Nevertheless, Micron believes this case is related to another
27 case currently pending in this Court before the Honorable Jeremy Fogel, captioned *Infineon*
28

1 *Technologies North America Corp. v. MOSAID Technologies Incorporated*, Case No. 5:02-cv-
2 05772-JF (RS), and efficiency considerations therefore dictate that it be assigned to Judge Fogel.

3 **BACKGROUND**

4 11. Micron is an industry leading, global manufacturer and marketer of semiconductor
5 devices, principally DRAM (dynamic random access memory) devices that provide high-speed data
6 storage and retrieval in personal computers, servers and other products, but also NAND flash
7 memory products and CMOS image sensors. DRAM products comprised 87%, 92% and 96% of
8 Micron's sales in 2005, 2004 and 2003, respectively.

9 12. MOSAID claims to have invented many fundamental DRAM technologies, including
10 circuits that MOSAID claims have been widely adopted by the DRAM industry. MOSAID owns
11 numerous patents that it contends cover these fundamental DRAM technologies and circuits,
12 including the MOSAID Patents at issue in this declaratory judgment action. Starting at least as
13 early as 2000, MOSAID has consistently and repeatedly stated that it believes that "all companies
14 that manufacture state-of-the-art DRAM products . . . use MOSAID's patented circuit technology."
15 Indeed, in its 2000 Annual Report, MOSAID stated: "We patented those [memory] innovations,
16 and now, years later, anybody who wants to design practical, state-of-the-art DRAM has to use our
17 technology."

18 13. In or around 2000, MOSAID launched what it described as an effort to "[seek] the
19 full value of [its patents] by pursuing patent licensing agreements with the world's DRAM
20 manufacturers." MOSAID has consistently and repeatedly stated that its objective is to license its
21 patents to "all" DRAM-makers. Indeed, MOSAID recently reaffirmed that licensing the entire
22 DRAM industry is one of the company's key strategic objectives and that it is "committed" to
23 achieving this objective, will move "aggressively" to do so and will be "unrelenting in the assertion
24 of [its] patent portfolio."

25 14. Today, and for the past several years, there have been four leading competitors in the
26 DRAM industry: Samsung, Hynix, Infineon and Micron. According to MOSAID and industry
27 reports, these four companies today account for 75-80% of worldwide DRAM sales.
28

1 15. In a series of letters to Micron in 2001 and 2002, MOSAID asserted that several of
2 Micron's DRAM products infringed several MOSAID DRAM patents. Upon information and
3 belief, MOSAID sent similar letters to other DRAM manufacturers, including Samsung, Hynix and
4 Infineon, in that same timeframe. In those letters, MOSAID touted license agreements it had
5 entered into with several other companies, none of which was a major DRAM supplier.

6 16. In September 2001, MOSAID began to use litigation as a means to force the leading
7 DRAM companies to license its DRAM patents. Specifically, MOSAID sued Samsung for patent
8 infringement in the District of New Jersey. MOSAID stated that it sued Samsung "when
9 negotiations failed to progress." Samsung was in 2001, and remains today, the world's largest
10 DRAM manufacturer by revenue.

11 17. MOSAID's complaint against Samsung accused Samsung of infringing seven
12 MOSAID patents. Four of the asserted patents were from what MOSAID refers to as the "Lines
13 Family of Patents": U.S. Patent Nos. 5,214,602, 5,751,643, 5,882,253 and 6,278,640, all of which
14 derive from a common parent application. The other three asserted patents were from what
15 MOSAID refers to as the "Foss Family of Patents": U.S. Patent Nos. 5,828,620, 6,055,201 and
16 6,236,581, all of which derive from a common parent application.

17 18. In its September 13, 2001, press release announcing the filing of its lawsuit against
18 Samsung, MOSAID stated that the seven patents it had asserted against Samsung were
19 "fundamental Dynamic Random Access Memory (DRAM) circuit inventions, which MOSAID
20 pioneered," and that these circuits "ha[d] been widely adopted by the DRAM industry." MOSAID
21 alleged that Samsung was infringing its patents merely by making and selling DRAM products.

22 19. In December 2002, Infineon, another of the world's top four DRAM makers, filed a
23 declaratory judgment action against MOSAID in this Court. According to Infineon's declaratory
24 judgment complaint, MOSAID had: (i) accused Infineon of infringing numerous MOSAID patents
25 by manufacturing, selling and/or using DRAM products; (ii) demanded that Infineon pay exorbitant
26 sums to MOSAID for its alleged infringement; and (iii) informed Infineon that it would not go
27 away until Infineon licensed MOSAID's patents. Infineon's complaint sought a declaration of non-
28 infringement and invalidity of each of the seven Mosaid patents that MOSAID had asserted against

1 Samsung the New Jersey litigation. Significantly, MOSAID did not dispute that there was a
2 justiciable controversy between it and Infineon regarding the infringement and validity of the
3 MOSAID patents that were the subject of the declaratory judgment action. Instead, MOSAID filed
4 a counterclaim, asserting that Infineon infringed each of the seven MOSAID patents that were the
5 subject of Infineon's declaratory judgment complaint.

6 20. In June 2003, MOSAID amended its counterclaim against Infineon to assert
7 infringement by Infineon of an additional patent—U.S. Patent No. 6,067,272—covering, according
8 to MOSAID, a “Delay Locked Loop (DLL) circuit for use in Synchronous DRAM.” According to
9 MOSAID's June 5, 2003 press release: ““We maintain our position that Infineon Technologies is
10 infringing many of MOSAID's patents and this most recent determination of infringement is an
11 important addition to our case. . . . The delay locked loop patent is a valuable component of our
12 intellectual property portfolio. The memory industry is rapidly adopting DLL techniques as high-
13 speed DDR SDRAM memory becomes mainstream.”” Like the seven patents it had originally
14 asserted against Infineon, MOSAID characterized the '272 patent as a “fundamental” DRAM
15 patent.

16 21. In September 2003, the U.S. Judicial Panel on Multidistrict Litigation consolidated
17 the *Infineon* and the *Samsung* cases in the District of New Jersey (William Martini, J.) for
18 coordinated pretrial proceedings.

19 22. In November 2003, MOSAID amended its complaint against Samsung and its
20 counterclaim against Infineon to assert infringement of two newly-issued patents. These patents
21 were U.S. Patent No. 6,603,703—another patent in the Lines Family of Patents—and U.S. Patent
22 No. 6,580,654—another patent in the Foss Family of Patents. In a November 3, 2003 press release
23 announcing the addition of these patents to the cases, MOSAID stated: ““The U.S. Patent Office
24 granted these new patents after considering allegations of prior invention documented by Samsung
25 during the current litigation. . . . We therefore believe the addition of these two new patents will
26 strengthen our ongoing cases against both Samsung and Infineon. . . .”” As with the patents it had
27 previously asserted against Infineon and Samsung, MOSAID characterized these newly-added
28 patents as “fundamental” DRAM patents.

1 23. MOSAID announced the settlement of its litigation with Samsung on January 18,
2 2005. In its press release announcing the settlement, MOSAID restated its intention to force all
3 DRAM suppliers to license its patents and its willingness to use litigation to do so.

4 24. True to its words, on January 18, 2005—the same day it announced its settlement
5 with Samsung—MOSAID sued Hynix, another of the top four DRAM manufacturers, in the
6 Eastern District of Texas. MOSAID accused Hynix of infringing six patents: three Lines Family
7 patents (U.S. Patent Nos. 5,822,253, 6,278,640 and 6,603,703), and three Foss Family patents
8 (5,828,620, 6,055, 201 and 6,580,654). (Each of those patents had been asserted in the cases
9 against Samsung and Infineon.) MOSAID’s press release announcing the suit against Hynix stated
10 that the patents it had asserted against Hynix were “fundamental [DRAM] circuit inventions” and
11 that Hynix was infringing them “by making and selling products, including DRAMs.”

12 25. MOSAID announced a settlement with Hynix less than a month later, on February 17,
13 2005. In its press release announcing its settlement with Hynix, MOSAID once again stated its
14 unwavering intention to force every DRAM supplier to license its patents and its willingness to use
15 litigation in achieving that goal.

16 26. On April 4, 2005, Judge Martini of the District of New Jersey granted Infineon’s
17 motion for summary judgment that Infineon’s accused DRAM products did not infringe any of the
18 asserted claims of three of the Lines patents (Nos. 5,822,253, 5,751,643 and 6,278,640) and three of
19 the Foss patents (Nos. 5,828,620, 6,055,201 and 6,580,654). The court did not make any ruling as
20 to whether Infineon’s products infringed MOSAID Patent No. 6,603,703. Those summary
21 judgment rulings were based in part on claim construction rulings the court had issued in March
22 2004. These claim construction rulings were largely unfavorable to MOSAID.

23 27. Just three days later, in response to the adverse summary judgment ruling on six of its
24 patents in the New Jersey action, MOSAID filed a new patent infringement suit against Infineon in
25 the Eastern District of Texas. This new suit accused Infineon of infringing three additional
26 MOSAID patents that purportedly cover DRAM products. These patents were U.S. Patent Nos.
27 6,657,919, 6,057,676 and RE 37,641. In its press release announcing the new Texas suit, MOSAID
28 stated that Infineon “has infringed, and is infringing, by making and selling products, including

1 DRAMs,” that these “are patents from three patent families which MOSAID refers to as delay
2 locked loop, cell plate voltage and bit-line isolation families,” that “[t]he three patent families in
3 this Texas litigation are different than the two patent families at issue in the New Jersey litigation
4 with Infineon,” and that “[t]he fact that MOSAID is able to bring litigation on multiple patent
5 families also demonstrates why twelve major companies have taken comprehensive licenses to
6 MOSAID’s patent portfolio.” In January 2006, MOSAID added to the Eastern District of Texas
7 case another “delay locked loop” patent—U.S. Patent No. 6,992,950. MOSAID added this patent
8 to the case on the day that patent issued.

9 28. In or about August 2005, with the New Jersey court having concluded its pretrial
10 activities, the MDL Panel transferred the *Infineon v. MOSAID* case back to the Northern District of
11 California. In October 2005, Judge Fogel issued a Stipulation and Order Granting MOSAID’s
12 Motion for Entry of Final Judgment Pursuant to Rule 54(b) and Staying Remaining Issues in Case.
13 In the stipulation, MOSAID and Infineon agreed that MOSAID could immediately appeal Judge
14 Martini’s summary judgment and claim construction orders (collectively, “the *Infineon* Orders”) and
15 postpone litigating the remaining claims before Judge Fogel until the appeal on these issues was
16 completed.

17 29. In November 2005, MOSAID filed a Notice of Appeal with respect to the judgment
18 in the *Infineon* case.

19 30. On June 14, 2006, before any briefs had been filed in connection with the appeal,
20 MOSAID and Infineon announced that they had reached a settlement of all outstanding litigation
21 between the companies. In a web-cast conference call regarding the settlement, MOSAID’s
22 executives stated that: MOSAID “ha[s] now signed licenses with the majority of the world’s large
23 and mid-sized DRAM manufacturers”; that thirteen companies were on “notice” with respect to
24 MOSAID’s patents; that MOSAID would be “unrelenting in the assertion of [its] patent portfolio”;
25 and that MOSAID had demonstrated a “willingness to use the legal system to enforce [its] patents.”

26 31. After MOSAID’s settlement with Infineon, Micron is the only remaining major
27 DRAM manufacturer in the world that has not been sued by MOSAID and has not agreed to license
28 MOSAID’s patent portfolio. Given MOSAID’s long-stated objective to license all DRAM-makers

1 and the fact that MOSAID sued each of Micron's major competitors when they refused to agree to
2 MOSAID's licensing demands, it is a virtual certainty that MOSAID will sue Micron for
3 infringement of at least the patents that it asserted in its suits against Samsung, Infineon and Hynix.
4 Indeed, MOSAID's statement in its 2005 Annual Report that the "the top four producers" of
5 DRAM "now represent[] 76% of the industry . . . results in a licensing market that is essentially
6 split into very large and quite small DRAM producers," is an admission by MOSAID that its focus
7 will be on the "very large" DRAM suppliers, of which only Micron remained unlicensed.

8 32. MOSAID has made numerous public statements, including in press releases and in its
9 annual reports, that confirm its intent to sue Micron now that the *Infineon* litigation has settled. For
10 example, according to MOSAID's 2005 Annual Report, MOSAID's primary strategic objective is
11 to "License balance of DRAM market," and that "[w]ith approximately half the DRAM industry
12 now under license, it is clear that our first task is to license the remaining DRAM manufacturers."
13 MOSAID's 2005 Annual Report also reiterated MOSAID's belief that "all companies that
14 manufacture state-of-the-art DRAM products . . . use MOSAID's patented circuit technology," and
15 stated that its IP Division plans to "aggressively seek licensing revenues from all companies using
16 MOSAID's DRAM technology."

17 33. MOSAID's intent to bring a patent infringement suit against Micron is further
18 evidenced by the fact that MOSAID has touted as "key aspect" of its settlement with Infineon that
19 "MOSAID and Infineon have also agreed to file a joint motion requesting the Court in California to
20 vacate the Summary Judgment Order issued" in April 2005. MOSAID's insistence on Infineon's
21 consent to the parties' moving to vacate Judge Martini's adverse rulings is clear evidence that
22 MOSAID once again intends to assert the MOSAID Patents in litigation. Indeed, in its June 14,
23 2006 conference call about the settlement with Infineon, MOSAID's executives openly
24 acknowledged that MOSAID's purpose in having the *Infineon* Orders vacated is to "reset the clock"
25 on those issues, so that "no one can rely on any of those former rulings," and thereby "put [us] in a
26 stronger position for other potential licensees."

27 34. MOSAID also stated in the June 14 conference call that it does not expect its
28 litigation expenses to drop despite the Infineon settlement, because "litigation is always a

1 possibility for us.” Further, in response to a question during the conference call, MOSAID’s
2 executives did not deny the “logic” of litigation with “the other major DRAM manufacturer you
3 [MOSAID] haven’t signed,” clearly meaning Micron. MOSAID further stated that it expected that
4 other accused infringers “are paying attention” to the Infineon settlement.

5 35. In the wake of MOSAID’s settlement with Infineon, press reports have predicted that
6 MOSAID will sue Micron. For example, a Reuters story of June 14, 2006 stated that “[i]t is
7 expected that Mosaid will next go after Micron Technology now that it has settled with DRAM
8 memory chip leaders Infineon, Samsung Electronics and Hynix.” [Reuters, *Mosaid settles Infineon*
9 *patent row, ups forecasts*, June 14, 2006, available at <http://yahoo.reuters.com/news>] Another
10 article stated that now that “MOSAID has secured licensing agreements with three of the world’s
11 top four manufacturers of DRAM technology that collectively account for 75 percent of the market”
12 and that “*the market expects MOSAID will soon launch action against the fourth—Micron*
13 *Technologies.*” [Ottawa Bus. J., June 21, 2006, <http://www.ottawabusinessjournal.com> (search
14 “Archive Search” for “MOSAID deal falls short”) (emphasis added)]

15 36. Micron believes that the only reason MOSAID has not yet sued it for patent
16 infringement is that MOSAID wants to attempt to have the adverse *Infineon* Orders vacated before
17 it sues Micron. Indeed, at a June 9, 2006 status conference before this Court in the *Infineon* case, in
18 which MOSAID’s counsel advised this Court of its plan to file a motion to vacate, the Court asked
19 MOSAID’s counsel whether there were any other pending cases involving the MOSAID patents at
20 issue in that case. MOSAID’s counsel’s telling response was: “Not at this time. There’s nothing
21 pending.”

22 37. In view of MOSAID’s position that all DRAM products infringe the MOSAID
23 Patents, its stated intention to force all DRAM suppliers to license its patents, its history of suing
24 companies that refuse to take a license, its recently concluded license with the last major DRAM
25 supplier other than Micron, its stated primary objective to “license [the] balance of [the] DRAM
26 market,” and its efforts to have vacated the adverse rulings in the Infineon case, Micron is under a
27 reasonable apprehension of suit by MOSAID with respect to the MOSAID Patents.
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“Foss Family Patents”

- U.S. Patent 5,828,620 (“the ’620 patent”) entitled “High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM,” which was filed on September 2, 1997 and issued on October 27, 1998. The inventors named on the ’620 patent are Richard C. Foss, Peter B. Gillingham, Robert F. Harland and Valerie L. Lines. A copy of the ’620 patent is attached hereto as Exhibit F.
- U.S. Patent No. 6,055,201 (“the ’201 patent”) entitled “High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM,” which was filed on October 26, 1998 and issued on April 25, 2000. The inventors named on the ’201 patent are Richard C. Foss, Peter B. Gillingham, Robert F. Harland and Valerie L. Lines. A copy of the ’201 patent is attached hereto as Exhibit G.
- U.S. Patent No. 6,236,581 B1 (“the ’581 patent”) entitled “High Voltage Boosted Word Line Supply Charge Pump and Regulator for DRAM,” which was filed on January 14, 2000 and issued on May 22, 2001. The inventors named in the ’581 patent are Richard C. Foss, Peter B. Gillingham, Robert F. Harland and Valerie L. Lines. A copy of the ’581 patent is attached hereto as Exhibit H.
- U.S. Patent No. 6,580,654 B2 (“the ’654 patent”), entitled “Boosted Voltage Supply,” which was filed on January 24, 2002 and issued on June 17, 2003. The inventors named on the ’654 patent are Richard C. Foss, Peter B. Gillingham, Robert F. Harland and Valerie L. Lines. A copy of the ’654 patent is attached hereto as Exhibit I.

“Cell Plate Family Patents”

- U.S. Patent No. 6,057,676 (“the ’676 patent”), entitled “Regulated DRAM Cell Plate and Precharge Voltage Generator,” which was filed on June 18, 1998 and issued on May 2, 2000. The inventors named on the ’676 patent are Ki-Jun Lee, Gurpreet Bhullar and Michael B Vladescu. A copy of the ’676 patent is attached hereto as Exhibit J.

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“Delayed Locked Loop Family Patents”

- U.S. Patent No. 6,067,272 (“the ’272 patent”), entitled “Delayed Locked Loop Implementation in a Synchronous Dynamic Random Access Memory,” which was filed on December 22, 1997 and issued on May 23, 2000. The inventors named on the ’272 patent are Richard C. Foss, Peter B. Gillingham and Graham Allan. A copy of the ’272 patent is attached hereto as Exhibit K.
- U.S. Patent No. 6,657,919 B2 (“the ’919 patent”), entitled “Delayed Locked Loop Implementation in a Synchronous Dynamic Random Access Memory,” which was filed on January 17, 2003 and issued on December 2, 2003. The inventors named on the ’919 patent are Richard C. Foss, Peter B. Gillingham and Graham Allan. A copy of the ’919 patent is attached hereto as Exhibit L.
- U.S. Patent No. 6,992,950 B2 (“the ’950 patent”), entitled “Delayed Locked Loop Implementation in a Synchronous Dynamic Random Access Memory,” which was filed on August 21, 2003 and issued on January 31, 2006. The inventors named on the ’950 patent are Richard C. Foss, Peter B. Gillingham and Graham Allan. A copy of the ’950 patent is attached hereto as Exhibit M.

“Bit-Line Isolation Family Patents”

- Reissued U.S. Patent No. 37,641 (“the ’641 patent”), entitled “Dynamic Random Access Memory Using Imperfect Isolating Transistors,” which was filed on May 8, 1997 and issued on April 9, 2002. The inventors named on the ’641 patent are Richard C. Foss, Peter B. Gillingham, Robert Harland, Masami Mitsuhashi and Atsushi Wada. A copy of the ’641 patent is attached hereto as Exhibit N.

41. On information and belief, MOSAID is the owner by assignment of each of the patents-in-suit.

COUNT I

DECLARATORY JUDGMENT

42. Micron incorporates and realleges the allegations of paragraphs 1-41 as if set forth fully herein.

1 43. A valid and justiciable controversy has arisen and exists between MOSAID and
2 Micron regarding the patents-in-suit. Micron desires a judicial determination and a declaration of
3 the respective rights of the parties regarding the patents-in-suit.

4 44. Each claim of the patents-in-suit is invalid.

5 45. Micron has not directly or indirectly infringed any claim of the patents-in-suit.

6 **REQUEST FOR RELIEF**

7 WHEREFORE, Micron requests that this Court:

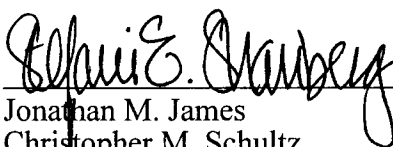
8 a. declare that U.S. Patent Nos. 5,214,602; 5,751,643; 5,822,253; 6,278,640;
9 6,603,703 B2; 5,828,620; 6,055,201; 6,236,581 B1; 6,580,654 B2; 6,057,676; 6,067,272; 6,657,919
10 B2; 6,992,950 B2; Reissued U.S. Patent No. 37,641 are invalid;

11 b. declare that Micron has not and is not directly or indirectly infringing U.S.
12 Patent Nos. 5,214,602; 5,751,643; 5,822,253; 6,278,640; 6,603,703 B2; 5,828,620; 6,055,201;
13 6,236,581 B1; 6,580,654 B2; 6,057,676; 6,067,272; 6,657,919 B2; 6,992,950 B2; Reissued U.S.
14 Patent No. 37,641;

15 c. declare this to be an exceptional case under 35 U.S.C. § 285 and award
16 Micron its attorneys' fees, costs and expenses in connection with this action; and

17 d. award Micron such other and further relief as to which it may be entitled.

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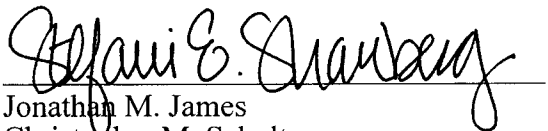
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DEMAND FOR JURY TRIAL

Plaintiff Micron Technology, Inc. hereby demands a trial by jury of this action.

July 24, 2006.

PERKINS COIE BROWN & BAIN P.A.
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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil Local Rule 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

July 24, 2006.

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