

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMKOR TECHNOLOGY, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
SYNAPTICS, INC. and VALIDITY)	JURY TRIAL DEMANDED
SENSORS, LLC,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Amkor Technology, Inc., a Delaware Corporation (“Amkor”), by its undersigned attorneys, for its Complaint against Defendants Synaptics, Inc. (“Synaptics”) and Validity Sensors, LLC (“Validity”), alleges as follows:

NATURE OF THE ACTION

1. In this action, Amkor, one of the world’s leading suppliers of outsourced semiconductor interconnect services, seeks redress against Defendants Synaptics and Validity for violations of law and the norms of industry conduct. Over a period of years, through guile and deception, Defendants have taken the intellectual property of Amkor, using misappropriated Amkor sensor packaging designs to build a highly successful business. Defendants’ conduct has been willful and malicious, and Amkor seeks damages, punitive damages, and injunctive relief to stop the Defendants from profiting from their illegal conduct. Specifically, Amkor sues for infringement of United States Patent No. 7,358,174 (the “174 Patent”) (attached as Exhibit A) entitled “Methods of Forming Solder Bumps on Exposed Metal Pads” (the “Patent-in-Suit”) under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, copyright infringement, misappropriation of trade secrets, breach of contract, unfair competition, tortious interference

with contract, civil conspiracy, violation of the Computer Fraud and Abuse Act, and violation of the Delaware Misuse of Computer System Information Act.

2. Amkor collaborates with other businesses to create sophisticated electronic devices such as biosensors that, *e.g.*, detect when a user's fingerprint profile authorizes the user to have access to a smartphone. Amkor creates the highly complex, technologically sophisticated interconnections or "packaging" for these devices.

3. This action seeks relief for multiple forms of wrongdoing by Defendants relating to these biosensors, including but not limited to the following:

a. Defendants are actively inducing infringement of the '174 Patent and, upon information and belief, have directly infringed the '174 Patent.

b. Defendant Validity, in violation of its non-disclosure agreement, misappropriated Amkor's confidential and proprietary Wafer Level Fan Out ("WLFO") technology. Validity wrongfully submitted Amkor's ideas and even its confidential diagrams to the United States Patent Office, falsely claiming them as its own and causing Amkor's valuable, confidential information to be placed into the public domain without Amkor's knowledge or consent. In addition, upon information and belief, Validity and Synaptics have been using Amkor's confidential information as part of a plan to commercialize this WLFO technology.

c. Defendants Validity and Synaptics, again in violation of a non-disclosure agreement, misappropriated Amkor's confidential and proprietary design files for "flip chip chip scale package" technology. Defendants sent to Amkor's primary competitor, third-party Advanced Semiconductor Engineering, Inc. ("ASE"), design files that were copied, in whole or substantial part, from the Amkor design files. Upon information and belief, Synaptics, Validity and ASE together have collaborated on, and have been successfully selling, a product based on those files.

THE PARTIES

4. Plaintiff Amkor is a Delaware Corporation with its principal place of business in Tempe, Arizona. Amkor is one of the world's largest providers of semiconductor packaging and test services.

5. Upon information and belief, Defendant Synaptics is a Delaware corporation with its principal place of business in California, and is a developer and supplier of, among other things, touch-based semiconductor products.

6. Upon information and belief, Defendant Validity is a Delaware limited liability company with its principal place of business in California, and is also a developer and supplier of touch-based semiconductor products.

7. Upon information and belief, Defendant Synaptics acquired Validity Sensors, Inc. on or about November 7, 2013 and formed Validity Sensors LLC, which is the successor-in-interest to Validity Sensors, Inc.'s assets and liabilities.

JURISDICTION

8. This Court has subject matter jurisdiction over this dispute under 28 U.S.C. §§ 1331, 1338(a) and § 1367.

AMKOR'S BUSINESS

9. Since its founding in 1968, Amkor has pioneered the development and outsourcing of semiconductor packaging and test services. Amkor is a strategic manufacturing partner for more than 300 of the world's leading semiconductor companies, foundries and electronics original equipment manufacturers ("OEMs").

10. Through a significant investment of time, capital, and people, Amkor has built a leading position in the semiconductor industry by designing innovative packaging for semiconductor chips to be used in electronic devices. For example, Amkor's cutting-edge semiconductor packaging allows sensor integration into the phone to sense whether the user's fingerprint profile authorizes the user to have access to the phone. Fingerprint identification on mobile phones is an ever-growing and important worldwide line of business.

11. In recent years, Amkor has invested hundreds of millions of dollars on state-of-the-art facilities and equipment to provide services for the industry's most complex devices.

12. With approximately 400 employees engaged in research and development focusing on the design and development of new semiconductor packaging and test technologies, Amkor has achieved technology leadership in areas such as advanced flip chip and wafer-level semiconductor processing and packaging. The industry in which Amkor competes is highly fragmented, and Amkor's renowned technology leadership sets Amkor apart from its competition in capturing the most valuable business opportunities as customers and leading electronics manufacturers strive for smaller device geometries, higher levels of speed and performance, and lower power consumption. Protection of its technology and trade secrets is absolutely critical to Amkor's core strategy and business model.

WAFER LEVEL FAN OUT TECHNOLOGY

Amkor Enters into A Non-Disclosure Agreement with Validity in 2008

13. On or about September 30, 2008, Amkor and Validity entered into a Mutual Non-Disclosure Agreement ("2008 NDA") to allow Validity access to Amkor's confidential information. The 2008 NDA defines "Confidential Information" as all information relating to, among other things, "business plans, technology, product plans, products, developments, inventions, processes, designs, [and] drawings[.]" 2008 NDA § 1.2. The 2008 NDA was drafted for the express purpose of strictly protecting the confidentiality of Amkor's "Advanced Packaging" technology which was to be shared with Validity. *See id.* App'x A ("Permitted Purpose").

14. The parties to the 2008 NDA agreed that the recipient of Confidential Information "shall disclose Confidential Information only to those of its employees, agents and independent contractors who have a need to know such information for the Permitted Purpose[.]" *id.* § 2.3,

and further agreed not to reproduce or copy any Confidential Information without the discloser's prior written consent, *id.* § 2.4, or remove any "proprietary rights legend" from "materials disclosing or embodying Confidential Information." *Id.* § 2.5.

15. Importantly, except for permitted uses expressly contemplated in the agreement, the 2008 NDA "grants no license ... under any copyrights, patents, trademarks, trade secrets or other proprietary rights to use or reproduce Confidential Information." *Id.* § 2.7.

16. Moreover, "[i]n the event that Confidential Information is or becomes the subject of a patent application, patent, copyright, or other proprietary right, Recipient agrees and understands that Discloser will have all the rights and remedies available to it under the law as a result of said patent application, patent, copyright or other proprietary right." *Id.*

17. The 2008 NDA remains in full force "for a period of three (3) years from the Effective Date" of September 30, 2008, and the "obligations regarding confidentiality shall continue for a period of five (5) years from disclosure of Confidential Information or until such time as the subject Confidential Information of a Discloser disclosed under this Agreement becomes publicly known or made generally available through no action by the Recipient." *Id.* § 3.

Pursuant to the NDA, Amkor Shares Confidential and Proprietary Wafer Level Fan Out Technology With Validity

18. In or around March 2010, Amkor approached Validity about designing a package for a new fingerprint biosensor, which could be used, *inter alia*, to provide access to a smart phone, using a new technology called Wafer Level Fan Out ("WLFO").

19. For more than two years, Amkor engaged in intensive research and development efforts, both in the United States and Korea, to develop semiconductor packaging suitable for the WLFO project. A dedicated team of more than twenty employees was diverted from other

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.