

When Litigation Goes Global: Merchant & Gould Wins Patent Infringement Victory Over International Defendant

Company Background

Rudolph Technologies, Inc. is a leader in the design, development, manufacture and support of high-performance process control metrology and macro defect inspection equipment used by semiconductor device manufacturers around the world. The company's product portfolio for wafer processing customers includes high-performance metrology systems for opaque and transparent film measurement, sophisticated yield management software and automated macro defect inspection systems that can identify and analyze defects on all surfaces of a silicon wafer.

Challenge

In July 2005, August Technologies, Inc. (later acquired by Rudolph Technologies) filed a patent infringement lawsuit against Israeli based Camtek Ltd. August Technologies alleged the infringement of its patent for a detailed microchip inspection process.

Merchant & Gould carefully considered whether to pursue litigation over other means of resolution. However, the ongoing infringement of the client's core patent justified and necessitated the need to sue.

With the defendant being located in the Middle East, Merchant & Gould had to reconcile the differences between legal cultures and expectations. Court documents were translated into Hebrew, and translators were brought in during depositions due to many witnesses knowing English only as a second language. Potential witnesses were located around the world, including in Hong Kong, Brussels and Tel Aviv, and stateside in Minnesota, Florida, Arizona and California. These challenges were compounded due to the highly technical nature of the case, which involved an automated wafer defect inspection system and a process of performing such inspection.

Solution

After a thorough examination of the plaintiff's patent, Merchant & Gould inspected one of infringing systems directly. The firm also spent a lot of time evaluating claim constructions, and met on site with the named inventors. Merchant & Gould also retained the use of a damages analysis expert who specializes in optics to determine the extent of the infringement and potential reparations.

In March 2009, a jury in the U.S. District Court for the District of Minnesota ruled that all models of the defendant's inspection system infringed upon Rudolph Technologies' patent. Rudolph Technologies was awarded nearly \$6.8 million in damages. The jury also rejected entirely Camtek's arguments that Rudolph Technologies' patent is invalid.

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