

VEECO INSTRUMENTS INC

FORM 8-K

(Current report filing)

Filed 08/11/08 for the Period Ending 08/11/08

Address	TERMINAL DRIVE PLAINVIEW, NY 11803
Telephone	516 677-0200
CIK	0000103145
Symbol	VECO
SIC Code	3559 - Special Industry Machinery, Not Elsewhere Classified
Industry	Semiconductors
Sector	Technology
Fiscal Year	12/31

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
Washington, D.C. 20549

FORM 8-K

**CURRENT REPORT
PURSUANT TO SECTION 13 OR 15(d) OF THE
SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported): **August 11, 2008**

VEECO INSTRUMENTS INC.

(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction
of incorporation)

0-16244
(Commission
File Number)

11-2989601
(IRS Employer
Identification No.)

Terminal Drive, Plainview, New York 11803
(Address of principal executive offices, including zip code)

(516) 677-0200
(Registrant's telephone number, including area code)

Not applicable
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Section 8 - Other Events

Item 8.01 Other Events.

On August 11, 2008, Veeco issued a press release announcing that it had settled the patent litigation which it had brought against Asylum Research Corporation in 2003. A copy of the press release is furnished as Exhibit 99.1 to this report.

The information in this report, including the exhibit, shall not be deemed “filed” for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the “Exchange Act”), or otherwise subject to the liabilities under that Section, nor shall it or they be deemed to be incorporated by reference into any filing under the Securities Act of 1933, as amended, or the Exchange Act, except as expressly set forth by specific reference in such a filing.

Section 9 - Financial Statements and Exhibits

Item 9.01 Financial Statements and Exhibits.

(d) *Exhibits .*

Exhibit	Description
99.1	Press release issued by Veeco Instruments Inc. dated August 11, 2008.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

VEECO INSTRUMENTS INC.

August 11, 2008

By: /s/ Gregory A. Robbins

Gregory A. Robbins

Senior Vice President and General Counsel

EXHIBIT INDEX

Exhibit	Description
99.1	Press release issued by Veeco Instruments Inc. dated August 11, 2008



NEWS

Veeco Instruments Inc., Terminal Drive, Plainview, NY 11803 Tel. 1 516-677-0200 Fax. 1 516-677-0380

FOR IMMEDIATE RELEASE

Financial Contact: Debra Wasser, SVP Investor Relations & Corporate Communications, 1 516-677-0200 x1472

Media Contact: Fran Brennen, Senior Director Marcom, 1 516-677-0200 x1222

VEECO AND ASYLUM RESEARCH SETTLE PATENT DISPUTE

PLAINVIEW, NY, August 11, 2008 — Veeco Instruments Inc. (Nasdaq: VECO), today announced that it has settled the patent litigation which it had brought against Asylum Research Corporation in 2003.

Under the terms of the settlement, Veeco and Asylum agreed to drop all pending claims against each other and agreed to a five year, worldwide cross license of each company's patents and a mutual covenant not to sue on patents either party has a right to assert. Asylum will make a net payment to Veeco plus an ongoing royalty to Veeco for the five-year term of the cross license. As part of the settlement, Asylum acknowledged the validity of the Veeco patents asserted in the case. Other terms of the license were not disclosed.

John R. Peeler, Chief Executive Officer of Veeco, commented "We are pleased to have reached this favorable settlement with Asylum that values our technology and validates our patents. Veeco has invested tens of millions of dollars in intellectual property and research and development for AFM technology, and this investment has helped us to bring the best AFM products to the marketplace. This settlement is a significant milestone for our employees, customers and shareholders, and we will continue to protect our valuable intellectual property, as necessary, in the future."

Mark Munch, Ph.D., Veeco's Executive Vice President, Metrology & Instrumentation, commented "We are gratified by this outcome, which speaks to the strength of Veeco's position in the AFM market. Innovation and leadership in AFM technology is a cornerstone of Veeco, and we will continue to invest heavily in R&D to deliver exciting new high performance products that enable the success of our customers."

Veeco is the world leader in atomic force and scanning probe microscopy, with an installed base of over 8,000 systems at university and research/nanotechnology centers worldwide. In this lawsuit, Veeco alleged that the manufacture, use and sale of Asylum's MFP-3D atomic force microscope constituted infringement of Veeco patents. Asylum is a private company founded by former Veeco employees.

About Veeco

Veeco Instruments Inc. manufactures enabling solutions for customers in the HB-LED, solar, data storage, semiconductor, scientific research and industrial markets. We have leading technology positions in our three businesses: LED & Solar Process Equipment, Data Storage Process Equipment, and Metrology Instruments. Veeco's manufacturing and engineering facilities are located in New York, New Jersey, California, Colorado, Arizona, Massachusetts, and Minnesota. Global sales and service offices are located throughout the U.S., Europe, Japan and APAC. <http://www.veeco.com/>

To the extent that this news release discusses expectations or otherwise makes statements about the future, such statements are forward-looking and are subject to a number of risks and uncertainties that could cause actual results to differ materially from the statements made. These factors include the risks discussed in the Business Description and Management's Discussion and Analysis sections of Veeco's Annual Report on Form 10-K for the year ended December 31, 2007 and in our subsequent quarterly reports on Form 10-Q, current reports on Form 8-K and press releases. Veeco does not undertake any obligation to update any forward-looking statements to reflect future events or circumstances after the date of such statements.
