

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
(EASTERN DIVISION)**

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J.S.T. Mfg. Co., Ltd.,

Plaintiff,

vs.

Dell, Inc.,

Defendant.

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) **Civil Action No.: 1:12-cv-10069**

) Honorable Harry D. Leinenweber

) **Demand For Jury Trial**  
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**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, J.S.T. Mfg. Co., Ltd. (“J.S.T.”), by its attorneys, presents this First Amended Complaint pursuant to this Court’s order on February 14, 2013, and alleges as follows:

1. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code, directed to Dell, Inc.’s (“Dell”) manufacturing, marketing, distributing, using, importing, offering to sell, and/or selling of electronic devices such as, but not limited to, the Latitude E6320, the Latitude E6420, and the Latitude E6520 model computers, that incorporate electrical connectors by reason of which said activities constitute one or more acts of infringement, and further directed to Dell’s inducing others to infringe, United States Patent No. 7,011,543 B2 (hereinafter the “ ‘543 patent”), a copy of which is included herein as Exhibit A.

**PARTIES**

2. J.S.T. is a corporation organized and existing under the laws of, and incorporated in, the country of Japan, with a principal place of business located at 2-6-8, Shigino-nishi, Joto-ku, Osaka, Japan 536-0014.

3. Upon information and belief, Dell is a corporation existing under the laws of Delaware with a principal place of business at One Dell Way, Round Rock, Texas 78682.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement under 35 U.S.C. § 271.

5. Jurisdiction and venue are proper in this district pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391 and 1400(b).

6. Upon information and belief, Dell regularly transacts business within this district in a substantial, continuous and systematic way, including but not limited to, regularly shipping and selling electronic devices incorporating electrical connectors that infringe the '543 patent to residents in Illinois and in this district.

7. This Court has personal jurisdiction over Dell by virtue of all of the commercial activity in this district listed above, including but not limited to, Dell's regular conduct of business in this district, and more particularly, Dell's sale of the accused electronic devices incorporating infringing electrical connectors in this district.

**NATURE OF THE CASE**

8. J.S.T. refers to and incorporates herein each of the preceding paragraphs 1-7 as if fully set forth herein.

9. The '543 patent is entitled "Electric Connector" and issued on March 14, 2006 to J.S.T., as assignee of inventors Masayuki Hiramoto, Takashi Suyama, and Terumi Nakashima.

10. On October 26, 2012, the United States Patent Office Issued an Ex Parte Reexamination Certificate confirming the patentability of claim 1, the only independent claim of the '543 patent, as originally issued, a copy of which is included herein as Exhibit B.

11. Upon information and belief, Dell makes, sells, offers to sell, imports and/or uses electronic devices that incorporate electrical connectors like, for example, the electrical connector that connects a Bluetooth cable and a Bluetooth Card on the Dell Latitude E6420 model computer as shown in Figure 1, below, that infringe one or more claims of the '543 patent:



**Figure 1**

12. Dell has infringed and continues to infringe the '543 patent by making, selling, offering to sell, importing and/or using electronic devices that incorporate electrical connectors that infringe one or more claims of the '543 patent without a license or authorization from J.S.T., and Dell will continue to do so unless enjoined by this court.

13. Upon information and belief, Dell makes, sells, offers to sell, and/or uses

electronic devices that incorporate electrical connectors that infringe the '543 patent throughout the United States, imports electronic devices that incorporate electrical connectors that infringe the '543 patent into the United States, and induces others to use said electronic devices that incorporate electrical connectors that infringe the '543 patent (as shown, for example, in Exhibit C—An excerpt from a Dell Latitude E6320 Owner's Manual), including within the Northern District of Illinois.

14. J.S.T. has owned the '543 patent throughout the entire period of Dell's infringing acts and still owns the '543 patent.

15. J.S.T. provided Dell with notice of Dell's infringing acts at least as early as the date that Dell's counsel received a June 28, 2011 written communication from J.S.T. advising Dell of its infringement of the '543 patent and therefore Dell's continued infringing actions have been willful and deliberate and in disregard of J.S.T.'s lawful rights under the '543 patent.

16. J.S.T. sued Dell in Japan and China in 2012 for infringement of J.S.T.'s counterpart Japanese and Chinese patents to the '543 patent before the date the original Complaint was filed herein on December 18, 2012.

**COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 7,011,543 C1**

17. J.S.T. incorporates paragraphs 1 through 16 above by this reference, as though fully set forth herein.

18. Upon information and belief, Dell manufactures, uses, imports, offers to sell, sells, and induces others to use electronic devices that incorporate electrical connectors that infringe one or more claims of the '543 patent in violation of 35 U.S.C. §§ 154(a) and 271.

19. Upon information and belief, Dell had written notice of its infringement of the '543 patent in 2011, and has been, and continues to be, deliberate and willful in its infringing

acts, and such infringement will continue unless Dell is enjoined by this Court.

20. As a consequence of Dell's infringement complained of herein, J.S.T. has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

**REQUEST FOR RELIEF**

WHEREFORE, J.S.T. respectfully requests judgment in its favor and against Dell as follows:

(a) A judgment that Dell has infringed the '543 patent through its manufacture, importation, use, offers to sell, and sales of electronic devices incorporating electrical connectors that infringe one or more claims of the '543 patent;

(b) An order preliminarily and permanently enjoining Dell, and all persons acting in concert with Dell, from infringing the '543 patent through the making, using, selling, offering for sale, marketing, importing or distributing electrical connectors, or any product incorporating electrical connectors, which infringe the '543 patent, prior to the expiration of the '543 patent;

(c) An award of damages to compensate J.S.T. for infringement of the '543 patent, together with prejudgment interest, costs and disbursements as fixed by the Court;

(d) An award increasing damages pursuant to 35 U.S.C. § 284 of three times the amount found or assessed for infringement of the '543 patent by Dell due to the willful and deliberate nature of the infringement;

(e) Pursuant to 35 U.S.C. § 285, a determination that this is an exceptional case and an assessment of reasonable attorneys' fees; and

(f) Such further and other relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

J.S.T. hereby demands a trial by jury on all issues so triable.

DATED: February 28, 2013

Respectfully submitted,  
J.S.T. MFG. CO., LTD.

By its Attorneys,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 28, 2013, I caused a copy of J.S.T. Mfg. Co., Ltd.'s **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT** to be filed by electronic filing. Notice of filing will be sent to all counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/John S. Mortimer  
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