

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

)	
)	
J.S.T. Mfg. Co., Ltd.,)	
)	Civil Action No.: _____
Plaintiff,)	
)	
vs.)	
)	Demand For Jury Trial
Dell, Inc.,)	
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, J.S.T. Mfg. Co., Ltd. (“J.S.T.”), by its attorneys, 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, constituting 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 infringing electronic devices 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 infringing electronic devices 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. Dell has infringed and continues to infringe the '543 patent by making, selling, offering to sell, importing and/or using electronic devices that embody the patented invention, and Dell will continue to do so unless enjoined by this court.

12. Upon information and belief, Dell makes, sells, offers to sell, and/or uses electronic devices throughout the United States, imports electronic devices into the United States, and induces others to use said electronic devices, including within the Northern District of Illinois, that infringe the '543 patent.

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

14. Upon information and belief, Dell's actions have been willful and deliberate and in disregard of J.S.T.'s lawful rights under the '543 patent.

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

15. J.S.T. incorporates paragraphs 1 through 14 above by this reference, as though fully set forth herein.

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

17. Upon information and belief, Dell's infringement of the '543 patent has been and continues to be deliberate and willful, and such infringement will continue unless Dell is enjoined by this Court.

18. 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;

(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 any product which infringes 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: December 18, 2012

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

By its Attorneys,

/s/John S. Mortimer
John S. Mortimer

Dean A. Monco
Christian Miller
WOOD PHILLIPS
500 West Madison Street, Suite 1130
Chicago, Illinois 60661
Telephone: 312-876-1800
Facsimile: 312-876-2020

Of Counsel,

Masuda, Funai, Eifert & Mitchell, Ltd.
203 North LaSalle, Suite 2500
Chicago, Illinois 60601
Telephone: 312-245-7500
Facsimile: 312-245-7467