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7 Attorney for
8 Bing XU Precision Co. Ltd.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 BING XU PRECISION CO. LTD.,)
12 PLAINTIFF,) CASE NO.
13) COMPLAINT FOR PATENT
14 V.) INFRINGEMENT
15) DEMAND FOR JURY TRIAL
16 ACER INCORPORATED,)
17 DEFENDANT.)
18)
19)

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21 Plaintiff Bing XU Precision Co. Ltd. ("Bing") states the
22 following as its complaint against Acer Incorporated ("Acer").
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1 I.

2 THE PARTIES

3 1. Plaintiff Bing XU Precision Co. Ltd. Is a Taiwanese company
4 located at 4F, No.23, Ln. 96, Bojue St., Xizhi Dist., New Taipei
5 City 221, Taiwan.

6 2. Bing is informed and believes that Defendant Acer
7 Incorporated is a Taiwanese corporation located at Acer
8 Incorporated 8F, No.88, Sec. 1, Xintai 5th Rd., Xizhi Dist., New
9 Taipei City 221, Taiwan (R.O.C.).

10 3. The acts complained of herein were by, on behalf of, and/or
11 for the benefit of Acer.

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13 II.

14 NATURE OF THE ACTION

15 4. This is an action for patent infringement.

16 5. Bing is informed and believes and alleges that Acer has
17 been and is infringing, contributing to the infringement of, and
18 or actively inducing others to infringe claims of U.S. Patent
19 No. 8,512,071 (the "071 Patent" or "Asserted Patent").

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21 III.

22 JURISDICTION AND VENUE

23 6. This action arises under the patent laws of the United
24 States, 35 U.S.C. §1 et seq., including 35 U.S.C. § 271. This
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1 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
2 1331 and 1338(a).

3 7. This Court has personal jurisdiction over Acer because Acer
4 has substantial contacts and conducts business in the State of
5 California and in this judicial district, and has been
6 infringing, contributing to the infringement of and/or actively
7 inducing others to infringe claims of the 071 Patent in
8 California and elsewhere.

9 8. Venue is proper in this Court pursuant to 28 U.S.C. §§
10 1391(b), 1391(c), 1391(d) and/or 1400(b) because a substantial
11 part of the events giving rise to Bing's claims occurred in the
12 Northern District of California and because Acer is subject to
13 personal jurisdiction in the Northern District of California.

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15 **IV.**

16 **FACTUAL BACKGROUND**

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18 9. The 071 Patent is for a SATA connector assembly, described
19 as an electrical connector assembly having a printed circuit
20 board with soldering holes interconnected to a plurality of
21 contacts ("SATA connector").

22 10. The SATA Connector is used to connect flat cables to
23 the mother board in computer systems.

24 11. The 071 Patent was duly and legally issued to TSENG,
25 TING CHANG LIN, WEN LUNG on August 20, 2013.

1 12. TSENG, TING CHANG LIN, WEN LUNG duly assigned the 071
2 Patent to Bing on Feb 10, 2012.

3 13. Bing manufactures or licenses other companies to
4 manufacture the 071 Patent SATA connector to be sold to various
5 computer manufacturers.

6 14. Bing is informed and believes and allege that Acer has
7 made, used, sold, imported and/or offered for sale, and/or
8 continued to make, use, sell, import and/or offer for sale,
9 products in the United States consisting of SATA connectors that
10 infringe on the 071 Patent.

11 15. The Acer products that infringe on the 071 Patent
12 include at least products that are part of Acer Aspire Laptop
13 line.

14 16. Acer's making, use, sale, offers for sale, and/or
15 importation of the infringing products constitute acts of direct
16 infringement of the 071 Patent.

17 17. Bing is informed and believes, and thereupon alleges,
18 that, by its sales and/or offers for sale of the products that
19 contain the infringing components that Acer has induced and
20 continues to induce third parties to manufacture for Acer the
21 SATA connector that Acer knew or should have known would
22 constitute direct infringement of the Patent 071.

23 18. Bing is entitled to recover from Acer the actual
24 damages it sustained as a result of Acer's wrongful acts alleged
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1 herein under 35 U.S.C. § 284 in an amount to be proven at trial,
2 together with interest and costs.

3 19. Bing is informed and believes, and thereupon alleges,
4 that Acer's infringement of the Patent 071 as set forth herein
5 has been and is willful, deliberate and in disregard of Bing's
6 patent rights, and Bing is therefore entitled to increased
7 damages up to three times the amount of actual damages and
8 attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285.

9 20. Acer's infringement of the Patent 071 will continue to
10 damage Bing, causing irreparable harm for which there is no
11 adequate remedy at law, unless it is enjoined by this Court.

12
13 V.

14 **CLAIMS FOR RELIEF**

15 **COUNT 1**

16 **(Patent Infringement of U.S. Patent No. 8,512,071 under 35**
17 **U.S.C. § 271, et. seq.)**

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19 21. Bing incorporates by reference and realleges
20 paragraphs 1 through 20 above as though fully restated herein.

21 22. Bing is informed and believes, and thereupon alleges,
22 that Acer: (1) has infringed and continues to infringe claims of
23 the 071 Patent literally and/or under the doctrine of
24 equivalents, by making, using, offering to sell, selling
25 (directly or through intermediaries), and/or importing products

1 consisting of or utilizing SATA connectors that infringe the 071
2 Patent, in this district and elsewhere in the United States,
3 and/or (2) has contributed and continues to contribute to the
4 literal infringement and/or infringement under the doctrine of
5 equivalents of claims of the 071 Patent, and/or has actively
6 induced and continues to actively induce others to infringe
7 claims of the 071 Patent, literally and/or under the doctrine of
8 equivalents, in this district and elsewhere in the United
9 States.

10 **VI.**

11 **PRAYER FOR RELIEF**

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13 **WHEREFORE**, Plaintiff Bing asks this Court to enter judgment
14 in its favor against Acer and grant the following relief:

15 A. An adjudication that Acer has infringed and continues
16 to infringe the 071 Patent;

17 B. An accounting of all damages sustained by Bing as a
18 result of Acer's acts of infringement of Patent 071;

19 C. An award to Bing of actual damages adequate to
20 compensate Bing for Acer's acts of patent infringement, together
21 with prejudgment and postjudgment interest;

22 D. An award to Bing of enhanced damages, up to and
23 including trebling of Bing's damages pursuant to 35 U.S.C. § 284
24 for Acer's willful infringement of Patent 071.

1 E. An award of Bing's costs of suit and reasonable
2 attorneys' fees pursuant to 35 U.S.C. § 285 due to the
3 exceptional nature of the case, or otherwise permitted by law;

4 F. A grant of a permanent injunction pursuant to 35
5 U.S.C. § 283, enjoining Acer, and each of its agents, servants,
6 employees, principals, officers, attorneys, successors,
7 assignees, and all those in active concert or participation with
8 Acer, including related individuals and entities, customers,
9 representatives, OEMs, dealers, and distributors from further
10 acts of (1)infringement, (2) contributory infringement, and (3)
11 active inducement to infringe with respect to the claims of the
12 Patent 071.

13 G. Any further relief that this Court deems just and proper.
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15 VII.

16 JURY DEMAND

17 Plaintiff Bing requests a jury trial on all issues triable
18 to a jury in this matter.
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1 Dated this 6th day of January, 2016

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Respectfully Submitted,

INHOUSE ATTORNEYS

By: ___/s/ John Burt_____

Attorneys For Bing XU Precision
Co. Ltd
