

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NATIONAL CHENG KUNG UNIVERSITY

Plaintiff,

v.

**NICHIA CORPORATION, and NICHIA
AMERICA CORPORATION**

Defendant.

CIVIL ACTION NO. 2:13-cv-00467

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff National Cheng Kung University (“NCKU” or “Plaintiff”) for its Complaint against Nichia Corporation and Nichia America Corporation (“Nichia” or “Defendants”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiff National Cheng Kung University is a higher education institution with a principal address of No. 1, University Road, Tainan, Taiwan, R.O.C.

2. On information and belief, Defendant Nichia Corporation is a Japanese corporation having its principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi Tokushima 774-8601 Japan. On information and belief, Nichia Corporation is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information and belief, Nichia Corporation resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Nichia Corporation may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and

Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). Nichia Corporation regularly conducts and transacts business in Texas, throughout the United States, and within the Northern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant Nichia America Corporation is incorporated under the laws of Michigan with its principal place of business at 48561 Alpha Drive, Suite 100, Wixom, MI 48393. This Defendant has appointed Susumu Wako, 48561 Alpha Drive, Suite 100, Wixom, MI 48393, as its agent for service of process. On information and belief, Nichia regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Nichia have transacted business in this district, and have committed acts of patent infringement in this district, by the making, using and/or selling at least the Nichia 219 LED.

6. On information and belief, Nichia are subject to this Court's general and specific personal jurisdiction because: Nichia has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute,

Nichia have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Nichia regularly conduct and solicit business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Nichia's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,723,829

7. NCKU is the owner of all rights, title and interest to United States Patent No. 7,723,829 ("the '829 Patent") entitled "Embedded Metal Heat Sink For Semiconductor." The '829 Patent was issued on May 25, 2010 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '829 Patent was filed on June 10, 2008. Attached as Exhibit "A" is a copy of the '829 Patent.

8. The '829 Patent is generally an embedded metal heat sink for a semiconductor device.

9. On information and belief, Nichia have been and now are infringing the '829 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell devices having an embedded heat sink in a semiconductor device, according to the '829 Patent. On information and belief, examples of Nichia' products that infringe the '829 Patent include, but are not limited to, all Nichia's products having an embedded metal heat sink for a semiconductor device, including the Nichia the Nichia 219 LED. Nichia are thus liable for infringement of the '829 Patent pursuant to 35 U.S.C. § 271.

10. As a result of Nichia's infringement of the '829 Patent, NCKU has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Nichia's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Nichia and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '829 Patent, NCKU will be greatly and irreparably harmed.

DEMAND FOR JURY TRIAL

NCKU, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: June 5, 2013

By: /s/ Winston O. Huff
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ATTORNEYS FOR PLAINTIFF,
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CERTIFICATE OF FILING

I hereby certify that on June 5, 2013 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff _____

Winston O. Huff