

1 DANIEL J. BERGESON, Bar No. 105439
 dbergeson@be-law.com
 2 JAIDEEP VENKATESAN, Bar No. 211386
 Jvenkatesan@be-law.com
 3 KYUNG M. LEE, Bar No. 262128
 klee@be-law.com
 4 BERGESON, LLP
 303 Almaden Boulevard, Suite 500
 5 San Jose, CA 95110-2712
 Telephone: (408) 291-6200
 6 Facsimile: (408) 297-6000

7 ANDREWS KURTH LLP
 Frederick S. Frei (Admitted *Pro Hac Vice*)
 8 frederickfrei@andrewskurth.com
 Sean S. Wooden (Admitted *Pro Hac Vice*)
 9 seanwooden@andrewskurth.com
 Leasa Woods Anderson (Admitted *Pro Hac Vice*)
 10 leasaanderson@andrewskurth.com
 1350 I Street NW, Suite 1100
 11 Washington, DC 20005
 Telephone: (202) 662-2700
 12 Facsimile: (202) 662-2739

13 Attorneys for Plaintiff
 SKYNET ELECTRONIC CO., LTD.

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 SKYNET ELECTRONIC CO., LTD., a
 Taiwan Corporation,
 20 Plaintiff,
 21 v.
 22 FLEXTRONICS INTERNATIONAL,
 LTD., a Singapore Corporation,
 23 and
 24 POWER SYSTEMS TECHNOLOGIES LTD., a
 25 Mauritius Corporation,
 26 Defendants.

Case No. CV-12-6317-KAW

**PLAINTIFF SKYNET ELECTRONIC
 CO., LTD.'S THIRD AMENDED
 COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

Judge: Honorable William H. Alsup
 Courtroom 8, 19th Floor

Case Filed: December 12, 2012
 Trial Date: September 8, 2014

1 Plaintiff Skynet Electronic Co., Ltd. (“Skynet”), for its cause of action against Defendants
2 Flextronics International, Ltd. (“Flextronics”) and Power Systems Technologies Ltd. (“Power
3 Systems”) (collectively, “Defendants”), states and alleges as follows:

4 JURISDICTION AND VENUE

5 1. This is an action for patent infringement arising under the patent laws of the United
6 States, Title 35, United States Code. This Court has jurisdiction over the subject matter of this
7 action under Title 28 U.S.C. §§ 1331 and 1338(a).

8 2. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b)-(c) and
9 1400(b).

10 PARTIES AND BACKGROUND

11 3. Skynet is a corporation duly organized in Taiwan, R.O.C., doing business in and
12 having its principal place of business at 4F No. 76, Che-Kong Rd., Sec. 1, Nan-Kan District,
13 Taipei, Taiwan, R.O.C.

14 4. Skynet manufactures and sells power converters, some of which are known as
15 chargers/adapters for many products including, inter alia, mobile phones, laptop computers and
16 tablet computers. Skynet owns patents directed to its power converter product technology.

17 5. On information and belief, Defendant Flextronics is a corporation duly organized in
18 Singapore, doing business and having its principal place of business at 2 Changi South Lane,
19 Singapore 486123. On information and belief, Defendant Power Systems is a corporation duly
20 organized in Mauritius, having its principal place of business located at Level 3, Alexander House
21 c/o Intercontinental Trust Limited, 35 Cybercity, Ebene, Mauritius. Defendant Power Systems is a
22 wholly-owned subsidiary of Defendant Flextronics. Defendant Flextronics’ Chief Executive
23 Officer is Michael McNamara. Its U.S. headquarters is located at 6201 America Center Drive,
24 San Jose, California 95002, within this Judicial District. In addition to its U.S. headquarters in
25 San Jose, California, Flextronics also has facilities and employees in Milpitas, Morgan Hill and
26 San Carlos, California, as well as other locations in California and throughout the United States.

1 6. On information and belief, Flextronics regularly engages in the transaction of
2 business in this District and elsewhere within the State of California. For example, Flextronics’
3 California Transparency in Supply Chains Act of 2010 Certification, which is located on its
4 website, is a disclosure mandated by California law that requires all retail sellers and
5 manufacturers doing business in the State and having worldwide gross receipts in excess of \$100
6 Million to disclose efforts to eradicate human trafficking and slavery. In addition, according to its
7 2008, 2009, 2010, 2011 and 2012 Annual Reports, Flextronics has held its annual general meeting
8 of shareholders at its various California offices, with the 2012 meeting being held at 6201
9 America Center Drive, San Jose, California 95002.

10 7. On information and belief, Flextronics and Power Systems have committed and
11 continue to commit acts of direct and/or indirect patent infringement, as alleged in this Complaint,
12 in this Judicial District and elsewhere within the State of California.

13 8. On information and belief, Flextronics and Power Systems design, manufacture,
14 offer for sale and sell the products which are the subject of this complaint through a network of
15 wholly-owned subsidiaries controlled and directed by Flextronics, and Flextronics therefore is
16 additionally liable for patent infringement as a joint tortfeasor. A number of Flextronics’ wholly-
17 owned subsidiaries share CEO’s and officers with Flextronics. Flextronics and its wholly-owned
18 subsidiaries hold themselves out as a single entity, “Flextronics,” and each of them relies upon the
19 same internet website and do not distinguish themselves relative to the infringing products at
20 issue. Flextronics’ subsidiaries are the alter ego of Flextronics.

21 9. This Court has personal jurisdiction over Defendants because, among other things,
22 Flextronics regularly conducts business in this Judicial District and because Flextronics has
23 established minimum contacts with the forum and the exercise of jurisdiction over Flextronics will
24 not offend traditional notions of fair play and substantial justice. On information and belief,
25 Flextronics, by, through or in conjunction with its wholly-owned subsidiaries, including Power
26 Systems, designs, manufacturers and places infringing products into the stream of commerce with
27

28

1 reasonable expectation and/or knowledge that the actual or potential ultimate purchasers and users
2 are located throughout the United States, including within this Judicial District.

3 10. While it maintains its U.S. headquarters in this District, Flextronics does not have a
4 registered agent for service of process in California. Pursuant to Federal Rules of Civil Procedure
5 4(e)(1) and (h)(1)(A)-(B), and Sections 415.95(a) and 416.10(b) of the California Code of Civil
6 Procedure, service of process may be made by personally serving a corporate officer located at
7 6201 America Center Drive, San Jose, California 95002. Flextronics and Power Systems, as a
8 wholly-owned subsidiary of Flextronics, shall be served via Flextronics' President of Litigation
9 and Disputes who is located in this Judicial District.

10 INFRINGEMENT OF U.S. PATENT NO. 6,950,318

11 11. Skynet realleges paragraphs 1 through 10, as though set forth here.

12 12. On September 27, 2005, United States Letters Patent 6,950,318 ("the '318 patent"),
13 entitled "Flyback Converter for Performing a Zero Voltage Switch in Boundary Mode" was duly
14 and legally issued to Assignee Skynet. On August 19, 2012, a Certificate of Correction was duly
15 and legally issued by the United States Patent and Trademark Office. Skynet owns all right, title
16 and interest in the '318 patent. A true and correct copy of the '318 patent is attached hereto as
17 Exhibit A.

18 13. Flextronics and Power Systems have directly, indirectly, contributorily, and/or by
19 inducement infringed one or more claims of the '318 patent, including claims 1 and 9, through the
20 manufacture, offer for sale and actual sale of: chargers/adapters for the iPhone and related Apple
21 products and the Kindle products, including charger/adapter model number A1265 for Apple, or
22 the Apple B1 charger, and charger/adapter model numbers 0005ADUUS, A00810 and A00810-01
23 for Amazon; and other chargers/adapters including charger/adapter model number K20AM for
24 Kodak cameras, charger/adapter model number 710-00052A for QUE (marketed as generic USB
25 charger for iPods, iPhones, mobile phones, HTC, etc.), charger/adapter model number VP-
26 09500074-100 for the Hewlett Packard Veer devices, charger/adapter model number CNR1002 for
27

1 Sharp Kin devices, and charger/adaptor model number VP-09500091-000 for Palm. On
2 information and belief, Flextronics and Power Systems manufacture, offer for sale and sell other
3 devices which also infringe those claims, including chargers/adaptors incorporating, based on or
4 derived from the Maple, Maple 1, Flex01, Lilac, Lilac2, and Lilac2-A circuitry or platforms.

5 14. The infringement of the '318 patent by Flextronics and Power Systems has injured
6 Skynet in an amount to be determined at trial. Furthermore, by these acts, Flextronics and Power
7 Systems have irreparably injured Skynet, and the injury will continue unless the Court enjoins
8 Defendants.

9 15. On information and belief, Flextronics and Power Systems have had actual
10 knowledge of the '318 patent since accepting service of the original Complaint in the present case
11 and has willfully infringed the '318 patent since that date. The prior art which Flextronics and
12 Power Systems disclosed pursuant to Patent Local Rule No. 3-3 is devoid of disclosure showing
13 the claimed invention and there can be no objective basis of invalidity based thereon. Flextronics'
14 and Power Systems' positions taken on non-infringement in response to discovery requests are
15 devoid of substantive basis; therefore, there can be no objective basis for non-infringement.
16 Consequently, Flextronics and Power Systems have willfully infringed the '318 patent by
17 engaging in objectively reckless conduct by continuing to make, offer for sale and sell the
18 infringing products, among other infringing activities, in face of an objectively high risk that they
19 are infringing the '318 patent.

20 16. Flextronics' and Power Systems' continued and willful infringement and other
21 conduct make this an exceptional case entitling Skynet to costs and attorney's fees. For example,
22 Flextronics and Power Systems made representations to Skynet that only three Flextronics and
23 Power Systems products had the infringing circuitry. After the filing of the Amended Complaint
24 and the Infringement Contentions, however, Skynet identified six (6) additional infringing
25 Flextronics and Power Systems chargers/adaptors (added to the Second Amended Complaint in
26 paragraph 13). The assertion by Flextronics and Power Systems that only three products had the

27

28

1 infringing circuitry was also contrary to the Court’s urging Flextronics and Power Systems to
2 “come clean on what the products are that allegedly infringe.” *See* Case Management Conference
3 Transcript attached as Exhibit D. In that Case Management Conference, Flextronics and Power
4 Systems indicated that their infringing products were not hidden and were identified with
5 “Flextronics.” Contrary to this misleading assertion, Skynet identified, through significant effort,
6 Flextronics’ chargers/adapters that *did not* have the Flextronics name on them and which include
7 the infringing circuitry. These misleading assertions coupled with Flextronics’ and Power
8 Systems’ additional failure to come clean on infringing products by refusing to provide
9 interrogatory responses identifying such chargers/adapters makes this an exceptional case entitling
10 Skynet to costs and attorney’s fees.

11 PRAYER FOR RELIEF

12 WHEREFORE, Plaintiff Skynet prays for judgment against Defendants as follows:

13 1. For a declaration that Flextronics and Power Systems have directly, indirectly,
14 contributorily, and by inducement, willfully infringed the ‘318 patent, that such infringement has
15 been willful, and that this is an exceptional case within the meaning of 35 U.S.C. § 285;

16 2. For an order permanently enjoining Flextronics and Power Systems, their
17 subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees,
18 attorneys, and all persons acting in concert or in participation with Flextronics and Power
19 Systems, from infringing, contributing to the infringement of, and inducing infringement of the
20 ‘318 patent, and specifically from directly or indirectly making, using, selling, offering for sale or
21 importing, any products embodying the invention of the ‘318 patent during the life of the patent,
22 without the express written authority of Skynet;

23 3. For an order requiring Flextronics and Power Systems to recall all infringing
24 products and destroy such products and all inventory of infringing products;

1 4. A judgment and order requiring Flextronics and Power Systems to pay damages
2 under 35 U.S.C. § 284, not less than a reasonable royalty; costs and attorneys' fees; and pre- and
3 post-judgment interest.

4 5. For any other and further relief the Court deems appropriate.

5

6 Dated: October 23, 2013

/s/ Jaideep Venkatesan

BERGESON, LLP

Daniel J. Bergeson

dbergeson@be-law.com

Jaideep Venkatesan

Jvenkatesan@be-law.com

Kyung M. Lee

klee@be-law.com

303 Almaden Blvd., Suite 500

San Jose, CA 95110-2712

Telephone: (408) 291-6200

Facsimile: (408) 297-6000

10

11

12

ANDREWS KURTH LLP

Frederick S. Frei

(Admitted *Pro Hac Vice*)

frederickfrei@andrewskurth.com

Sean S. Wooden

(Admitted *Pro Hac Vice*)

seanwooden@andrewskurth.com

Leasa Woods Anderson

(Admitted *Pro Hac Vice*)

leasaanderson@andrewskurth.com

1350 I Street NW, Suite 1100

Washington, DC 20005

Telephone: (202) 662-2700

Facsimile: (202) 662-2739

13

14

15

16

17

18

19

20

Attorneys for Plaintiff

SKYNET ELECTRONIC CO., LTD.

21

22

23

24

25

26

27

28

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Rule 3-6(a) of the Local Rules of the United States District Court for the Northern District of California, Plaintiff Skynet Electronic Co., Ltd. demands a trial by jury of this action.

Dated: October 23, 2013

/s/ Jaideep Venkatesan
BERGESON, LLP
Daniel J. Bergeson
dbergeson@be-law.com
Jaideep Venkatesan
Jvenkatesan@be-law.com
Kyung M. Lee
klee@be-law.com
303 Almaden Blvd., Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

ANDREWS KURTH LLP
Frederick S. Frei
(Admitted *Pro Hac Vice*)
frederickfrei@andrewskurth.com
Sean S. Wooden
(Admitted *Pro Hac Vice*)
seanwooden@andrewskurth.com
Leasa Woods Anderson
(Admitted *Pro Hac Vice*)
leasaanderson@andrewskurth.com
1350 I Street NW, Suite 1100
Washington, DC 20005
Telephone: (202) 662-2700
Facsimile: (202) 662-2739

Attorneys for Plaintiff
SKYNET ELECTRONIC CO., LTD.