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1 Anthony J. Dain (Bar No. 98947)
anthony.dain@procopio.com
 2 J. Christopher Jaczko (Bar No. 149317)
chris.jaczko@procopio.com
 3 Dave Deonarine (Bar No. 243733)
dave.deonarine@procopio.com
 4 PROCOPIO, CORY, HARGREAVES AND
 5 SAVITCH LLP
 12544 High Bluff Drive, Suite 300
 6 San Diego, CA 92130
 7 Telephone: 858.720.6300
 Facsimile: 619.235.0398

8 Attorneys for Plaintiff
 9 KANEKA CORPORATION

10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 KANEKA CORPORATION, a Japanese
 13 Corporation,
 14

15 Plaintiff,

16 v.

17 SKC KOLON PI, INC., a Korean
 Corporation and SKC, INC., a Georgia
 18 Corporation,
 19

20 Defendants.

Case No. 2:11-CV-03397-JGB-RZ

REDACTED

**PLAINTIFF KANEKA
 CORPORATION'S SECOND
 AMENDED COMPLAINT**

DEMAND FOR JURY TRIAL

21 Plaintiff Kaneka Corporation ("Kaneka") for its Complaint against SKC
 22 Kolon PI, Inc. ("SKPI") and SKC, Inc. ("SKC America") (collectively
 23 "Defendants") states as follows:

PARTIES

25 1. Kaneka is a Japanese corporation with its principal place of business at
 26 3-2-4, Nakanoshima, Kita-ku, Osaka 530-8288, Japan.

27 2. SKPI is a Korean corporation with its principal place of business at 9th
 28 Fl. Daego Building, 1591-10, Gwangyang-dong, Dongan-gu, Anyang-si,

1 Gyeonggi-do, 431-060 - South Korea.

2 3. Upon information and belief, SKC America is a corporation organized
3 under the laws of the state of Georgia with its principal place of business at 1000
4 SKC Dr., Covington, GA 30014.

5 4. Upon information and belief, SKPI is the affiliate of SKC America.
6 Upon information and belief, SKC Co., Ltd. ("SKC Korea") is the parent
7 corporation of SKC America. SKC Korea is also one of the two members of the
8 joint venture that is SKPI.

9 **JURISDICTION AND VENUE**

10 5. This Complaint states claims arising under the patent laws of the
11 United States, 35 U.S.C. § 271, for infringement of Kaneka's patents.

12 6. Original and exclusive subject matter jurisdiction of this action is
13 conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14 7. Defendants are each subject to personal jurisdiction in this Court.
15 Upon information and belief, Defendants routinely advertise, market, export, and
16 sell significant portions of their products through and in the State of California,
17 including this Judicial District.

18 8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(d) and
19 1400(b). Upon information and belief, each of the Defendants sell and offer for sale
20 its products to retailers, distributors, and residents throughout the State of
21 California and in this Judicial District.

22 **DEFENDANTS' INFRINGING ACTS**

23 9. Kaneka is the current assignee of United States Patent Nos. 7,018,704
24 ("the '704 Patent"), 7,691,961 ("the '961 Patent"), 5,075,064 ("the '064 Patent"),
25 6,264,866 ("the '866 Patent"), and 6,746,639 ("the '639 Patent") (collectively, the
26 "Asserted Patents").

27 10. Kaneka has been assigned the rights to the Asserted Patents.
28 Accordingly, Kaneka holds all rights, title and interest in the Asserted Patents and

1 has done so throughout the period of the defendant's infringing acts.

2 11. The '704 Patent is valid and enforceable.

3 12. The '961 Patent is valid and enforceable.

4 13. The '064 Patent is valid and enforceable.

5 14. The '866 Patent is valid and enforceable.

6 15. The '639 Patent is valid and enforceable.

7 16. The Asserted Patents include claims covering polyimide films and
8 methods/processes for producing polyimide films.

9 17. Defendants make, use, sell, offer for sale and/or import polyimide
10 films in the United States.

11 18. For example, prior to February 2010, certain companies within the
12 U.S. who are customers of Kaneka Texas Corporation ("KTC") purchased
13 polyimide films directly from SKC America in the United States. These products
14 were subsequently provided to Kaneka through KTC.

15 19. KTC is a wholly owned subsidiary of Kaneka. KTC manufactures
16 polyimide films at its plant located at 6161 Underwood Road, Pasadena, TX,
17 77507. KTC's marketing offices are located at 2 Northpoint Dr., Suite 200,
18 Houston, TX 77060.

19 20. In addition to the samples provided to KTC from its customers,
20 Kaneka has obtained other samples of Defendants' polyimide films that are made,
21 used, sold, offered for sale and/or imported in the United States.

22 21. Kaneka has performed laboratory tests on Defendants' polyimide films
23 that are made, used, sold, offered for sale and/or imported in the United States.

24 22. Laboratory tests on Defendants' polyimide films have been performed
25 at Kaneka's facilities in Japan.

26 23. These tested polyimide products, include, but are not limited to,
27 product types identified by Defendants as IN, IF, LV and LN polyimide films.

28 24. Kaneka's testing of Defendants' products confirms that Defendants'

1 products fall within the scope of the claimed inventions embodied in the Asserted
2 Patents.

3 25. Defendants' became aware of the Asserted Patents at least as early as
4 July 26, 2010 when this lawsuit was filed.

5 26. Upon information and belief, Defendants were also aware of the
6 Asserted Patents or, at a minimum, were willfully blind to the Asserted Patents,
7 before the complaint in this lawsuit was filed. [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 [REDACTED] Specifically, SKC Korea's patent application No.
15 WO2008082152 A1, titled "Polyimide film with improved adhesiveness" and filed
16 in 2007, references a Kaneka patent application No. WO2006064700 A1. [REDACTED]

17 [REDACTED]
18 [REDACTED] From
19 these facts, it can be reasonably inferred that the Defendants had knowledge of the
20 Asserted Patents before July 26, 2010.

21 27. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 28. With this knowledge, SKPI contributorily infringed and/or actively
5 induced infringement of the Asserted Patents. SKPI knew and specifically
6 intended the Accused Products enter the United States through an established
7 supply-distribution chain. Within the polyimide film industry, it is well-known that
8 polyimide films manufactured by companies like Kaneka and SKPI are made into
9 flexible copper-clad laminates ("FCCL") by FCCL manufacturers. The flexible
10 copper-clad laminates are then made into flexible printed circuit boards ("FPC") by
11 FPC manufacturers. The flexible printed circuit boards are then further sent to
12 module makers and set makers, like [REDACTED], who assemble the end
13 product and sell, offer to sell, and/or import them into the United States.

14 29. SKPI affirmatively acts to induce the direct infringement of others
15 throughout this supply-distribution chain. [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 30. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

26 31. [REDACTED]
27 [REDACTED]
28 [REDACTED]

This is another example of how SKPI communicates

1 down the supply-distribution chain to obtain information and affirmatively acts to
2 induce the direct infringement of others.

3 **COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,018,704**

4 32. Kaneka realleges and hereby incorporates by reference the preceding
5 paragraphs as though fully set forth herein.

6 33. On March 28, 2006, the '704 Patent issued for an invention entitled
7 "Polyimide Film for Flexible Printed Board and Flexible Printed Board Using the
8 Same." A true and correct copy of the '704 Patent is attached hereto as Exhibit A.

9 34. SKC America has directly infringed the '704 Patent by making, using,
10 selling, offering to sell, and/or by importing into the United States products that
11 practice one or more claims of the '704 Patent, including but not limited to
12 Defendants' IN, IF, LV and LN polyimide films.

13 35. SKPI indirectly infringed the '704 Patent by knowingly and
14 specifically intending to commit affirmative acts that encourage the infringement of
15 one or more claims of the '704 Patent. As such, with respect to SKPI's indirect
16 infringement of the '704 Patent, specific examples of direct infringers would be
17 [REDACTED] and other consumer electronic product companies, which sell, offer
18 to sell and/or import consumer electronics in the United States incorporating the
19 Accused Products.

20 36. Upon information and belief, [REDACTED]
21 [REDACTED] that practice one or more claims of the '704 Patent. Those products
22 include, but are not limited to, Defendants' IN, IF, LV and LN polyimide films.
23 [REDACTED], those products are made, sold,
24 used, and/or offered for sale in the US by SKC America. As such, with respect to
25 SKPI's indirect infringement of the '704 Patent, one specific example of a direct
26 infringer would be SKC America.

27 37. Defendants' infringement of the '704 Patent is without the consent of,
28 authority of, or license from Kaneka.

1 38. As a consequence of Defendants' infringement complained of herein,
2 Kaneka has been damaged and will continue to sustain damages by such acts in an
3 amount to be determined at trial and will continue to suffer irreparable loss and
4 injury.

5 **COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,691,961**

6 39. Kaneka realleges and hereby incorporates by reference the preceding
7 paragraphs as though fully set forth herein.

8 40. On April 6, 2010, the '961 Patent issued for an invention entitled
9 "Polyimide Film and Use Thereof." A true and correct copy of the '961 Patent is
10 attached hereto as Exhibit B.

11 41. SKC America has directly infringed the '961 Patent by making, using,
12 selling, offering to sell, and/or by importing into the United States products that
13 practice one or more claims of the '961 Patent, including but not limited to
14 Defendants' IN, IF, LV and LN polyimide films.

15 42. SKPI indirectly infringed the '961 Patent by knowingly and
16 specifically intending to commit affirmative acts that encourage the infringement of
17 one or more claims of the '961 Patent. As such, with respect to SKPI's indirect
18 infringement of the '961 Patent, specific examples of direct infringers would be
19 [REDACTED] and other consumer electronic product companies, which sell, offer
20 to sell and/or import consumer electronics in the United States incorporating the
21 Accused Products.

22 43. Upon information and belief, [REDACTED]
23 [REDACTED] that practice one or more claims of the '961 Patent. Those products
24 include, but are not limited to, Defendants' IN, IF, LV and LN polyimide films.
25 [REDACTED], those products are made, sold,
26 used, and/or offered for sale in the US by SKC America. As such, with respect to
27 SKPI's indirect infringement of the '961 Patent, one specific example of a direct
28 infringer would be SKC America.

1 44. Defendants' infringement of the '961 Patent is without the consent of,
2 authority of, or license from Kaneka.

3 45. As a consequence of Defendants' infringement complained of herein,
4 Kaneka has been damaged and will continue to sustain damages by such acts in an
5 amount to be determined at trial and will continue to suffer irreparable loss and
6 injury.

7 **COUNT III - INFRINGEMENT OF U.S. PATENT NO. 5,075,064**

8 46. Kaneka realleges and hereby incorporates by reference the preceding
9 paragraphs as though fully set forth herein.

10 47. On December 24, 1991, the '064 Patent issued for an invention
11 entitled "Method and Apparatus for Continuously Producing Resin Films and
12 Installation Therefor." A true and correct copy of the '064 Patent is attached hereto
13 as Exhibit C.

14 48. SKC America has directly infringed the '064 Patent by making, using,
15 selling, offering to sell, and/or by importing into the United States products that
16 practice one or more claims of the '064 Patent, including but not limited to
17 Defendants' IN, IF, LV and LN polyimide films.

18 49. SKPI indirectly infringed the '064 Patent by knowingly and
19 specifically intending to commit affirmative acts that encourage the infringement of
20 one or more claims of the '064 Patent. As such, with respect to SKPI's indirect
21 infringement of the '064 Patent, specific examples of direct infringers would be
22 [REDACTED] and other consumer electronic product companies, which sell, offer
23 to sell and/or import consumer electronics in the United States incorporating the
24 Accused Products.

25 50. Upon information and belief, [REDACTED]
26 [REDACTED] that practice one or more claims of the '064 Patent. Those products
27 include, but are not limited to, Defendants' IN, IF, LV and LN polyimide films.
28 [REDACTED] those products are made, sold,

1 used, and/or offered for sale in the US by SKC America. As such, with respect to
2 SKPI's indirect infringement of the '064 Patent, one specific example of a direct
3 infringer would be SKC America.

4 51. Defendants' infringement of the '064 Patent is without the consent of,
5 authority of, or license from Kaneka.

6 52. As a consequence of Defendants' infringement complained of herein,
7 Kaneka has been damaged by such acts in an amount to be determined at trial and
8 will continue to suffer irreparable loss and injury.

9 **COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 6,264,866**

10 53. Kaneka realleges and hereby incorporates by reference the preceding
11 paragraphs as though fully set forth herein.

12 54. On July 24, 2001, the '866 Patent issued for an invention entitled
13 "Method for Producing Polyimide Film." A true and correct copy of the '866
14 Patent is attached hereto as Exhibit D.

15 55. SKC America has directly infringed the '866 Patent by making, using,
16 selling, offering to sell, and/or by importing into the United States products that
17 practice one or more claims of the '866 Patent, including but not limited to
18 Defendants' IN, IF, LV and LN polyimide films.

19 56. SKPI indirectly infringed the '866 Patent by knowingly and
20 specifically intending to commit affirmative acts that encourage the infringement of
21 one or more claims of the '866 Patent. As such, with respect to SKPI's indirect
22 infringement of the '866 Patent, specific examples of direct infringers would be
23 [REDACTED] and other consumer electronic product companies, which sell, offer
24 to sell and/or import consumer electronics in the United States incorporating the
25 Accused Products.

26 57. Upon information and belief, [REDACTED]
27 [REDACTED] that practice one or more claims of the '866 Patent. Those products
28 include, but are not limited to, Defendants' IN, IF, LV and LN polyimide films.

1 [REDACTED], those products are made, sold,
2 used, and/or offered for sale in the US by SKC America. As such, with respect to
3 SKPI's indirect infringement of the '866 Patent, one specific example of a direct
4 infringer would be SKC America.

5 58. Defendants' infringement of the '866 Patent is without the consent of,
6 authority of, or license from Kaneka.

7 59. As a consequence of Defendants' infringement complained of herein,
8 Kaneka has been damaged and will continue to sustain damages by such acts in an
9 amount to be determined at trial and will continue to suffer irreparable loss and
10 injury.

11 **COUNT V - INFRINGEMENT OF U.S. PATENT NO. 6,746,639**

12 60. Kaneka realleges and hereby incorporates by reference the preceding
13 paragraphs as though fully set forth herein.

14 61. On June 8, 2004, the '639 Patent issued for an invention entitled
15 "Process for Preparing Polyimide Film." A true and correct copy of the '639 Patent
16 is attached hereto as Exhibit E.

17 62. SKC America has directly infringed the '639 Patent by making, using,
18 selling, offering to sell, and/or by importing into the United States products that
19 practice one or more claims of the '639 Patent, including but not limited to
20 Defendants' IN, IF, LV and LN polyimide films.

21 63. SKPI indirectly infringed the '639 Patent by knowingly and
22 specifically intending to commit affirmative acts that encourage the infringement of
23 one or more claims of the '639 Patent. As such, with respect to SKPI's indirect
24 infringement of the '639 Patent, specific examples of direct infringers would be
25 [REDACTED] and other consumer electronic product companies, which sell, offer
26 to sell and/or import consumer electronics in the United States incorporating the
27 Accused Products.

28 64. Upon information and belief, [REDACTED]

1 [REDACTED] that practice one or more claims of the '639 Patent. Those products
2 include, but are not limited to, Defendants' IN, IF, LV and LN polyimide films.
3 [REDACTED] those products are made, sold,
4 used, and/or offered for sale in the US by SKC America. As such, with respect to
5 SKPI's indirect infringement of the '639 Patent, one specific example of a direct
6 infringer would be SKC America.

7 65. Defendants' infringement of the '639 Patent is without the consent of,
8 authority of, or license from Kaneka.

9 66. As a consequence of Defendants' infringement complained of herein,
10 Kaneka has been damaged and will continue to sustain damages by such acts in an
11 amount to be determined at trial and will continue to suffer irreparable loss and
12 injury.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Kaneka prays for judgment from this Court as follows:

- 15 1. Declare that the Asserted Patents are valid and enforceable;
- 16 2. Declare that the Defendants have infringed or induced the
17 infringement of the Asserted Patents;
- 18 3. Award damages to Kaneka, pursuant to 35 U.S.C. § 284, adequate to
19 compensate for infringement of the Asserted Patents in an amount to be determined
20 at trial, but not less than a reasonable royalty;
- 21 4. Enter a preliminary and a permanent injunction, pursuant to 35 U.S.C.
22 § 283, enjoining each of the Defendants, and all of their respective agents, servants,
23 officers, directors, employees, and all other persons acting in concert with them,
24 directly or indirectly, from any further acts of infringement of the Asserted Patents;
- 25 5. Enter a preliminary and thereafter a permanent injunction against
26 SKPI's active inducement of infringement and/or contributory infringements of the
27 Asserted Patents by others;
- 28 6. Award Kaneka its expenses, costs, and attorneys' fees pursuant to 35

1 U.S.C. § 285;

2 7. Award interest on Kaneka's damages; and

3 8. Such other and further relief as this Court deems equitable and just.

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6 DATED: June 21, 2013

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

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By: /s/Anthony J. Dain

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Anthony J. Dain
J. Christopher Jaczko
Dave Deonarine
Attorneys for Plaintiff
KANEKA CORPORATION

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Kaneka
demands a trial by jury on all issues so triable.

DATED: June 21, 2013

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

By: /s/ Anthony J. Dain
Anthony J. Dain
J. Christopher Jaczko
Dave Deonarine
Attorneys for Plaintiff
KANEKA CORPORATION