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6 *Bing Xu Precision Co., Ltd.*

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 BING XU PRECISION CO. LTD., § CASE NO. 5:16-CV-02491-EJD
12 PLAINTIFF, §
13 V. §
14 ACER INCORPORATED, ACER AMERICA § SECOND AMENDED COMPLAINT FOR
CORPORATION, LUXSHARE PRECISION § PATENT INFRINGEMENT
15 INDUSTRY CO., LTD., AND LUXSHARE- §
16 ICT, INC. § DEMAND FOR JURY TRIAL
17 DEFENDANTS. §
18 §
19 §

20 Plaintiff Bing Xu Precision Co. Ltd. (“Bing Xu”) files this second amended complaint
21 against the above-named defendants, based on its own knowledge as to itself and its own
22 actions, and based on information and belief as to all other matters, alleging as follows:

23 **INTRODUCTION**

24 This matter involves Serial AT Attachment (SATA) interface patents (U.S. Patent No.
25 8,512,071, U.S. Patent No. 8,758,044, and U.S. Patent No. 8,740,631) infringed by Acer’s

1 Aspire Laptops. SATA interfaces connect computer components to mass storage devices such
2 as hard drives and solid-state drives. SATA connectors allow for high-speed data-transfer.
3 SATA connectors replaced PATA (Parallel AT Attachment) connectors that were slower and
4 more likely to fail. SATA connectors are now in nearly every computer component with
5 memory. Technology underlying the manufacture of SATA connectors is, in short, extremely
6 valuable.

7 **I.**

8 **THE PARTIES**

9 1. Plaintiff Bing Xu Precision Co. Ltd. (“Bing Xu”) is a Taiwanese company
10 located at 4F, No.23, Ln. 96, Bojue St., Xizhi Dist., New Taipei City 221, Taiwan.

11 2. Defendant Acer Inc. (“Acer Inc.”) is a Taiwanese corporation located at 8F,
12 No.88, Sec. 1, Xintai 5th Rd., Xizhi Dist., New Taipei City 221, Taiwan (R.O.C.).

13 3. Defendant Acer America Corporation (“Acer America”) is a corporation
14 organized under the laws of California with a principal place of business in San Jose, California.
15 Acer America Corporation can be served through its registered agent for service of process in
16 California: C T Corporation System, 818 W 7th Street, Suite 930, Los Angeles CA, 90017.

17 4. Acer America is a wholly owned subsidiary of Acer Inc. The companies will be
18 collectively referred to as “Acer.”

19 5. Defendant Luxshare Precision Industry Co., Ltd. (“Luxshare”) is a Chinese
20 company with a principal place of business in Dongguan, China.

21 6. Defendant Luxshare-ICT, Inc. (“Luxshare-ICT”) is a corporation organized
22 under the laws of California with a principal place of business in Milpitas, California.
23 Luxshare-ICT can be served through its registered agent for service of process in California:
24 Nelson Hsiu, 39843 Paseo Padre Pkwy., #B, Fremont CA, 94538.

1 7. Luxshare-ICT is a subsidiary of Luxshare. The companies will be collectively
2 referred to as “Luxshare.”

3 8. Acer and Luxshare will be collectively referred to as “Defendants.”

4 **II.**

5 **NATURE OF THE ACTION**

6 9. This is an action for patent infringement.

7 10. Bing Xu is informed and believes and alleges that Acer has been and is currently
8 infringing and/or actively inducing others to infringe claims of U.S. Patent No. 8,512,071, U.S.
9 Patent No. 8,758,044, and U.S. Patent No. 8,740,631 (“the ’071 Patent,” “the ’044 Patent,” and
10 “the ’631 Patent,” respectively, or “the Asserted Patents” collectively).

11 11. Bing Xu is informed and believes and alleges that Luxshare has been and is
12 infringing and/or actively inducing others to infringe claims of the Asserted Patents.

13 **III.**

14 **JURISDICTION AND VENUE**

15 12. This is an action for infringement of a United States patent arising under 35
16 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction
17 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18 13. This Court has personal jurisdiction over Defendants because Defendants have
19 substantial contacts and conduct business in the State of California and in this judicial district,
20 and have been infringing and/or actively inducing others to infringe claims of the Asserted
21 Patents in California and elsewhere.

22 14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d)
23 and/or 1400(b) because a substantial part of the events giving rise to Bing Xu's claims occurred
24 in the Northern District of California and because Defendants are subject to personal
25 jurisdiction in the Northern District of California.

1 IV.

2 **FACTUAL BACKGROUND**

3 **THE '071 PATENT**

4 15. The '071 Patent is for a SATA connector assembly, described as an electrical
5 connector assembly having a printed circuit board (PCB) with soldering holes interconnected to
6 a plurality of contacts ("SATA Connector").

7 16. The SATA Connector is used to connect a flat flexible cable (FFC) to the
8 motherboard in computer systems.

9 17. On August 20, 2013, the '071 patent, titled "Electrical Connector Assembly
10 Having a Printed Circuit Board With Soldering Holes Interconnected to a Plurality of Contacts,"
11 was duly and legally issued by the United States Patent and Trademark Office to Ting-Chang
12 Tseng and Wen-Lung Lin. A true copy of the '071 Patent is attached as **Exhibit 1**.

13 18. Ting-Chang Tseng and Wen-Lung Lin duly assigned the '071 Patent to Bing Xu
14 on February 10, 2012. Bing Xu is the owner of the '071 patent with all substantive rights in and
15 to that patent, including the sole and exclusive right to prosecute this action and enforce the
16 '071 patent against infringers, and to collect damages for infringement during all relevant times.

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1 19. Reproduced immediately below is “Fig. 3” from the ’071 Patent, showing the
2 connector assembly, soldering holes, and contacts:

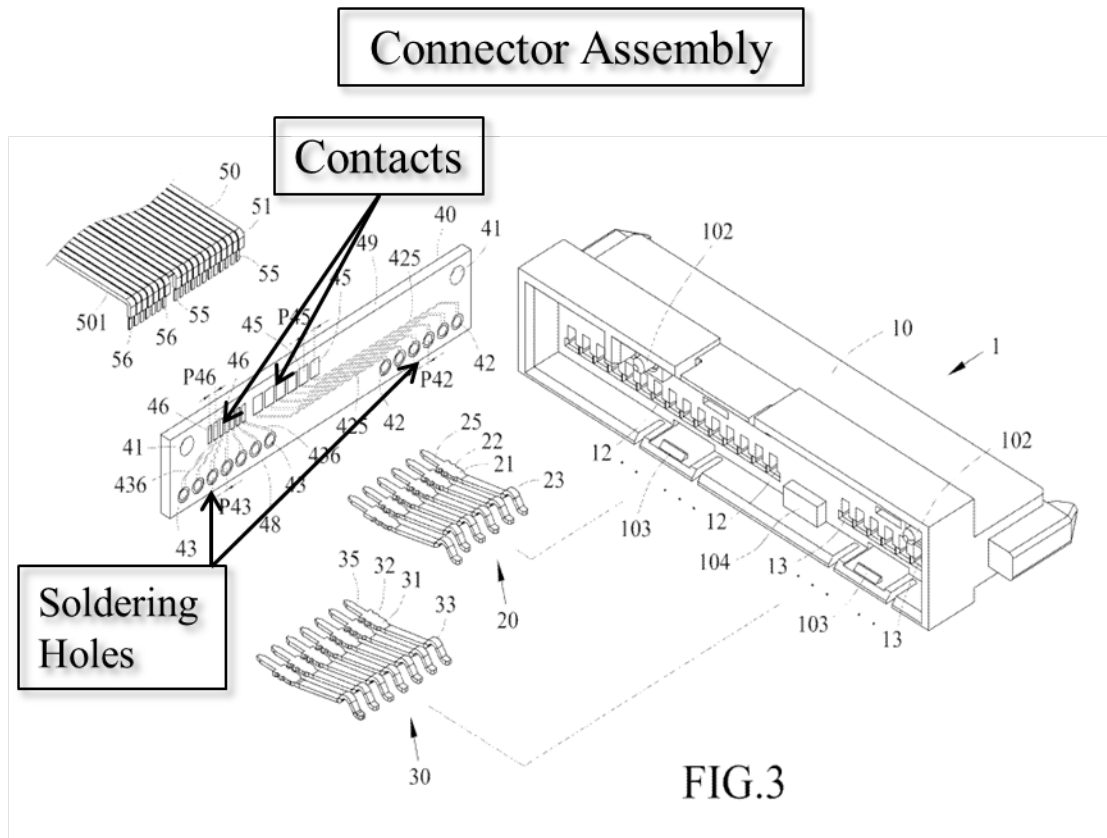


FIG.3

THE '044 PATENT

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18 20. The '044 Patent is a continuation of the '071 Patent and claims a similar SATA
19 connector assembly with differences in PCB and FFC limitations.

20 21. On June 24, 2014, the '044 patent, titled “Electrical Connector Assembly Having
21 a Printed Circuit Board With Soldering Holes Interconnected to a Plurality of Terminals and a
22 Flat Flexible Cable,” was duly and legally issued by the United States Patent and Trademark
23 Office to Ting-Chang Tseng and Wen-Lung Lin. A true copy of the '044 Patent is attached as
24 **Exhibit 2.**

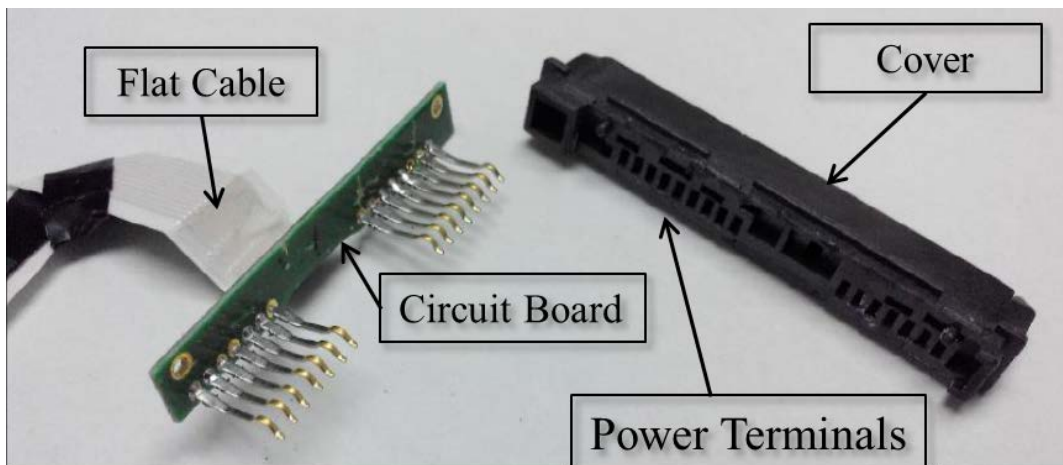
1 28. The Acer products with the infringing SATA Connector, include at least
2 products that are part of Acer’s “Aspire” laptop line (“the Accused Products”). According to
3 Acer’s website (located at <http://www.acer.com/ac/en/US/content/models/laptops>), as of May 4,
4 2016, Acer’s Aspire line of laptops consisted of at least 21 customizable laptop “series.”

5 29. Luxshare has made, used, imported, provided, supplied, distributed, sold, and/or
6 offered for sale SATA connectors that infringe the Asserted Patents to Acer and other computer
7 companies without authorization from Bing Xu, and continues to do so now.

8 30. The infringing Luxshare SATA Connectors include at least the SATA
9 Connectors used in Acer’s “Aspire” laptop line including, but not limited to, part numbers
10 450.02B04.0001 VA30 HDD FFC and 450.02BN04.0001 VA 30 HDD FFC, and any similar
11 SATA connectors with the same features.

12 31. As shown in more detail below and in accompanying claim charts to this
13 Complaint, these SATA Connectors include each and every limitation of at least Claim 1 of the
14 ’071 Patent, Claim 1 of the ’044 Patent, and Claim 1 of the ’631 Patent. The Accused Products
15 therefore literally infringe the Asserted Patents. Bing Xu reserves the right to assert
16 infringement under the doctrine of equivalents in light of information learned during discovery
17 or in view of this Court’s claim construction order. Additional claims of the Asserted Patents
18 will be disclosed in accordance with, and at the time specified by, this Court’s Scheduling Order
19 and N.D. Cal. Patent L.R. 3-1.

20 32. An image of a Luxshare SATA Connector found in an Acer Aspire Laptop is
21 shown below. Defendants’ SATA Connector includes an insulating housing, a plurality of
22 power terminals, a printed circuit board, a flexible flat cable, and a cover; all of the same
23 fundamental components claimed in the Asserted Patents.



33. On August 12, 2015, Bing Xu disclosed the '071 Patent, the '044 Patent, and the '631 Patent to Acer in a letter addressed to Mr. George Huang. The letter included copies of the Asserted Patents and photographs identifying SATA FCC cables found in Acer V3-371 series MS2392 laptop computers with a warning that unauthorized manufacture, sale, and use of such infringing components would constitute a violation of U.S. Patent Law.

34. On August 25, 2015, Kate Ci Shang of Acer acknowledged receipt of the August 12, 2015, letter in an email with Mr. Morgan Lin cc'ed and asked that future correspondence be directed to Mr. Lin. Mr. Lin is believed to serve as head of Acer's legal department in Taiwan.

35. On September 11, 2015, after receiving no response from Mr. Lin, Bing Xu sent a follow up letter to Mr. Lin asking for a response by September 25, 2015, and included a copy of the August 12, 2015, letter.

36. Neither Mr. Lin nor any other Acer employee responded.

37. True and correct copies of Bing Xu's correspondence with Acer are attached as **Exhibits 4, 5, and 6.**

38. On information and belief, Acer outsources the manufacturing and assembly of its Aspire laptops to one or more Original Design Manufacturers (ODMs), who assemble

1 components together into the final Acer product according to Acer's specifications. On
2 information and belief, Wistron Corporation has been at least one such ODM.

3 39. On information and belief, Acer not only decides what components the ODM
4 will use, but Acer also decides and designates which vendor will supply each specific
5 component to be incorporated into fully assembled Aspire laptops.

6 40. At least as of the time when Acer received the warning letters, Acer knew that it
7 was incorporating a SATA Connector that had been accused of infringing Bing Xu's patents
8 into at least some of its laptops. Acer had full knowledge of Bing Xu's patents at that point and
9 did not deny infringement of any of them.

10 41. On information and belief, Acer could have instructed the ODM to use a
11 different connector, to purchase the connector from a supplier who had a license granted by
12 Bing Xu, or to actively seek a license from Bing Xu. Acer did none of these things. Instead,
13 Acer ignored Bing Xu's warnings and, without denying infringement, continued to direct the
14 ODM to incorporate the infringing connector into Acer's computers.

15 42. On October 7, 2013, Bing Xu disclosed the '071 Patent to Luxshare-ICT in a
16 letter. The letter included a copy of the '071 Patent and an invitation to discuss licensing terms.

17 **V.**

18 **CLAIMS FOR RELIEF**

19 **COUNT 1: INFRINGEMENT OF THE '071 PATENT**

20 43. The allegations of Paragraphs 1-42 are repeated and realleged as if fully set forth
21 in this Count I of the Complaint.

22 44. Acer continues, after notice of infringement and without authority, to make, use,
23 sell, offer to sell, and/or import into the United States Acer Aspire laptops with SATA
24 Connectors as shown above.

1 45. Acer thus has infringed and continues to infringe at least Claim 1 of the '071
2 Patent literally and/or under the doctrine of equivalents.

3 46. Incorporated by reference, as though stated in full and attached as **Exhibit 7**, is a
4 claim chart illustrating how each element of Claim 1 of the '071 Patent is met by Acer's SATA
5 Connector. Because each and every limitation of Claim 1 is met by Acer's SATA Connector,
6 Acer directly infringes at least Claim 1 of the '071 Patent.

7 47. Acer has also actively induced and will continue to actively induce the
8 infringement of at least one claim of the '071 Patent, in violation of 35 U.S.C. § 271(b), by,
9 among other things, actively and knowingly aiding and abetting others (including Acer's
10 Original Design Manufacturers and/or component manufacturers) through activities such as
11 creating and/or distributing data sheets, requirements documents, assembly instructions and/or
12 similar materials with instructions on creating, manufacturing, designing, assembling and/or
13 implementing the Accused Products, with the specific intent to induce others to directly make,
14 use, offer for sale, sell, and/or import into the United States Accused Products that fall within
15 the scope of the '071 Patent, without license or authority from Plaintiff. On information and
16 belief, Acer knows that the induced acts constitute infringement of the '071 Patent.

17 48. Acer had knowledge of the '071 Patent before the filing of this action. As
18 discussed above, Bing Xu disclosed the '071 Patent to Acer in written correspondence including
19 a copy of the '071 Patent, photographs of the accused infringing SATA connector, and
20 identification of an accused infringing laptop computer. Acer acknowledged receipt of the
21 August 12, 2015, letter and asked that future correspondence be directed to Mr. Lin. After
22 Bing Xu redirected its original correspondence as requested, Acer simply ignored Bing Xu, not
23 only ignoring that first letter, but also ignoring a second follow up letter Bing Xu sent directly to
24 Acer's legal department head.

1 49. Acer also has knowledge of the '071 Patent at least as of the date when it was
2 notified of the filing of this action. Acer's direct and indirect infringement of the '071 Patent
3 has thus been committed with knowledge of the '071 Patent, making Acer liable for direct,
4 indirect, and willful infringement.

5 50. Acer's infringement of the '071 Patent will continue to damage Bing Xu, causing
6 irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this
7 Court.

8 51. Bing Xu has been damaged as a result of the infringing conduct by Acer alleged
9 above. Thus, Acer is liable to Bing Xu in an amount that adequately compensates it for such
10 infringement, which, by law, cannot be less than a reasonable royalty, together with interest and
11 costs as fixed by this Court under 35 U.S.C. § 284.

12 52. Luxshare made, had made, used, imported, provided, supplied, distributed, sold,
13 and/or offered for sale products (including at least the SATA Connectors used in Acer's
14 "Aspire" laptop line including, but not limited to, part numbers 450.02B04.0001 VA30 HDD
15 FFC and 450.02BN04.0001 VA 30 HDD FFC) that infringed one or more claims of the '071
16 Patent.

17 53. Luxshare continues, after notice of infringement and without authority, to make,
18 use, sell, offer to sell, and/or import into the United States SATA Connectors as shown above.

19 54. Luxshare thus has infringed and continues to infringe at least Claim 1 of the '071
20 Patent literally and/or under the doctrine of equivalents.

21 55. Incorporated by reference, as though stated in full and attached as **Exhibit 7**, is a
22 claim chart illustrating how each element of Claim 1 of the '071 Patent is met by Luxshare's
23 SATA Connector. Because each and every limitation of Claim 1 is met by Luxshare's SATA
24 Connector, Luxshare directly infringes at least Claim 1 of the '071 Patent.

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1 56. Luxshare has also actively induced and will continue to actively induce the
2 infringement of at least one claim of the '071 Patent, in violation of 35 U.S.C. § 271(b), by,
3 among other things, actively and knowingly aiding and abetting others (including computer
4 manufacturers) through activities such as creating and/or distributing data sheets, specifications,
5 assembly instructions and/or similar materials with instructions on assembling and/or
6 implementing the Accused Products, with the specific intent to induce others to directly make,
7 use, offer for sale, sell, and/or import into the United States Accused Products that fall within
8 the scope of the '071 Patent, without license or authority from Plaintiff. On information and
9 belief, Luxshare knows that the induced acts constitute infringement of the '071 Patent.

10 57. Luxshare had knowledge of the '071 Patent before the filing of this action. As
11 discussed above, Bing Xu disclosed the '071 Patent to Luxshare in written correspondence
12 including a copy of the '071 Patent. In response, Luxshare declined to meaningfully participate
13 in negotiating license terms.

14 58. Luxshare's direct and indirect infringement of the '071 Patent has thus been
15 committed with knowledge of the '071 Patent, making Luxshare liable for direct, indirect, and
16 willful infringement.

17 59. Luxshare's infringement of the '071 Patent will continue to damage Bing Xu,
18 causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by
19 this Court.

20 60. Bing Xu has been damaged as a result of the infringing conduct by Luxshare
21 alleged above. Thus, Luxshare is liable to Bing Xu in an amount that adequately compensates it
22 for such infringement, which, by law, cannot be less than a reasonable royalty, together with
23 interest and costs as fixed by this Court under 35 U.S.C. § 284.

24 61. Bing Xu and/or its predecessors-in-interest have satisfied all statutory obligations
25 required to collect pre-filing damages for the full period allowed by law.

COUNT II: INFRINGEMENT OF THE '044 PATENT

62. The allegations of Paragraphs 1-61 are repeated and realleged as if fully set forth in this Count II of the Complaint.

63. Acer continues, after notice of infringement and without authority, to make, use, sell, offer to sell, and/or import into the United States Acer Aspire laptops with SATA Connectors as shown above.

64. Acer thus has infringed and continues to infringe at least Claim 1 of the '044 Patent literally and/or under the doctrine of equivalents.

65. Incorporated by reference, as though stated in full and attached as **Exhibit 8**, is a claim chart illustrating how each element of Claim 1 of the '044 Patent is met by Acer's SATA Connector. Because each and every limitation of Claim 1 is met by Acer's SATA Connector, Acer directly infringes at least Claim 1 of the '044 Patent.

66. Acer has also actively induced and will continue to actively induce the infringement of at least one claim of the '044 Patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others (including Acer's Original Design Manufacturers and/or component manufacturers) through activities such as creating and/or distributing data sheets, requirements documents, assembly instructions and/or similar materials with instructions on creating, manufacturing, designing, assembling and/or implementing the Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell, and/or import into the United States Accused Products that fall within the scope of the '044 Patent, without license or authority from Plaintiff. On information and belief, Acer knows that the induced acts constitute infringement of the '044 Patent.

67. Acer had knowledge of the '044 Patent before the filing of this action. As discussed above, Bing Xu disclosed the '044 Patent to Acer in written correspondence including a copy of the '044 Patent, photographs of the accused infringing SATA connector, and

1 identification of an accused infringing laptop computer. Acer acknowledged receipt of the
2 August 12, 2015, letter and asked that future correspondence be directed to Mr. Lin. After
3 Bing Xu redirected its original correspondence as requested, Acer simply ignored Bing Xu, not
4 only ignoring that first letter, but also ignoring a second follow up letter Bing Xu sent directly to
5 Acer's legal department head.

6 68. Acer also has knowledge of the '044 Patent at least as of the date when it was
7 notified of the filing of Bing Xu's original complaint. Acer's direct and indirect infringement of
8 the '044 Patent has thus been committed with knowledge of the '044 Patent, making Acer liable
9 for direct, indirect, and willful infringement.

10 69. Acer's infringement of the '044 Patent will continue to damage Bing Xu, causing
11 irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this
12 Court.

13 70. Bing Xu has been damaged as a result of the infringing conduct by defendant
14 alleged above. Thus, Acer is liable to Bing Xu in an amount that adequately compensates it for
15 such infringement, which, by law, cannot be less than a reasonable royalty, together with
16 interest and costs as fixed by this Court under 35 U.S.C. § 284.

17 71. Luxshare made, had made, used, imported, provided, supplied, distributed, sold,
18 and/or offered for sale products (including at least the SATA Connectors used in Acer's
19 "Aspire" laptop line including, but not limited to, part numbers 450.02B04.0001 VA30 HDD
20 FFC and 450.02BN04.0001 VA 30 HDD FFC) that infringed one or more claims of the '044
21 Patent.

22 72. Luxshare thus has infringed and continues to infringe at least Claim 1 of the '044
23 Patent literally and/or under the doctrine of equivalents.

24 73. Incorporated by reference, as though stated in full and attached as **Exhibit 8**, is a
25 claim chart illustrating how each element of Claim 1 of the '044 Patent is met by Luxshare's

1 SATA Connector. Because each and every limitation of Claim 1 is met by Luxshare's SATA
2 Connector, Luxshare directly infringes at least Claim 1 of the '044 Patent.

3 74. Luxshare has also actively induced and will continue to actively induce the
4 infringement of at least one claim of the '044 Patent, in violation of 35 U.S.C. § 271(b), by,
5 among other things, actively and knowingly aiding and abetting others (including the Acer
6 defendants in this lawsuit and other computer manufacturers and end users that are not parties
7 to this suit) through activities such as creating and/or distributing data sheets, specifications,
8 assembly instructions and/or similar materials with instructions on assembling and/or
9 implementing the Accused Products, with the specific intent to induce others to directly make,
10 use, offer for sale, sell, and/or import into the United States Accused Products that fall within
11 the scope of the '044 Patent, without license or authority from Plaintiff. On information and
12 belief, Luxshare knows that the induced acts constitute infringement of the '044 Patent.

13 75. On information and belief, Luxshare has known about the '044 Patent at least
14 since around the time the first amended complaint was filed in this suit on October 14, 2016
15 (Doc. 29). At the very least, Luxshare has had knowledge of the '044 Patent as of the time
16 when Luxshare began preparing a petition requesting *inter partes* review of the patent, which
17 would have been at least a few weeks, if not months prior to when Luxshare filed its request in
18 May 2017 *Luxshare v. Bing Xu*, Case No. IPR2017-01492, Paper 1 (P.T.A.B., May 26, 2017).
19 Luxshare's direct and indirect infringement of the '044 Patent has thus been committed with
20 knowledge of the '044 Patent, making Luxshare liable for direct, indirect, and willful
21 infringement.

22 76. Luxshare's infringement of the '044 Patent will continue to damage Bing Xu,
23 causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by
24 this Court.

1 77. Bing Xu has been damaged as a result of the infringing conduct by Luxshare
2 alleged above. Thus, Luxshare is liable to Bing Xu in an amount that adequately compensates it
3 for such infringement, which, by law, cannot be less than a reasonable royalty, together with
4 interest and costs as fixed by this Court under 35 U.S.C. § 284.

5 78. Bing Xu and/or its predecessors-in-interest have satisfied all statutory obligations
6 required to collect pre-filing damages for the full period allowed by law.

7 **COUNT III: INFRINGEMENT OF THE '631 PATENT**

8 79. The allegations of Paragraphs 1-78 are repeated and realleged as if fully set forth
9 in this Count III of the Complaint.

10 80. Acer continues, after notice of infringement and without authority, to make, use,
11 sell, offer to sell, and/or import into the United States Acer Aspire laptops with SATA
12 Connectors as shown above.

13 81. Acer thus has infringed and continues to infringe at least Claim 1 of the '631
14 Patent literally and/or under the doctrine of equivalents.

15 82. Incorporated by reference, as though stated in full and attached as **Exhibit 9**, is a
16 claim chart illustrating how each element of Claim 1 of the '631 Patent is met by Acer's SATA
17 Connector. Because each and every limitation of Claim 1 is met by Acer's SATA Connector,
18 Acer directly infringes at least Claim 1 of the '631 Patent.

19 83. Acer has also actively induced and will continue to actively induce the
20 infringement of at least one claim of the '631 Patent, in violation of 35 U.S.C. § 271(b), by,
21 among other things, actively and knowingly aiding and abetting others (including Acer's
22 Original Design Manufacturers and/or component manufacturers) through activities such as
23 creating and/or distributing data sheets, requirements documents, assembly instructions and/or
24 similar materials with instructions on creating, manufacturing, designing, assembling and/or
25 implementing the Accused Products, with the specific intent to induce others to directly make,

1 use, offer for sale, sell, and/or import into the United States Accused Products that fall within
2 the scope of the '631 Patent, without license or authority from Plaintiff. On information and
3 belief, Acer knows that the induced acts constitute infringement of the '631 Patent.

4 84. Acer had knowledge of the '631 Patent before the filing of this action. As
5 discussed above, Bing Xu disclosed the '631 Patent to Acer in written correspondence including
6 a copy of the '631 Patent, photographs of the accused infringing SATA connector, and
7 identification of an accused infringing laptop computer. Acer acknowledged receipt of the
8 August 12, 2015, letter and asked that future correspondence be directed to Mr. Lin. After
9 Bing Xu redirected its original correspondence as requested, Acer simply ignored Bing Xu, not
10 only ignoring that first letter, but also ignoring a second follow up letter Bing Xu sent directly to
11 Acer's legal department head.

12 85. Acer also has knowledge of the '631 Patent at least as of shortly after the date the
13 first amended complaint in this case (ECF Doc. 29) was filed (October 14, 2016). Acer's direct
14 and indirect infringement of the '631 Patent has thus been committed with knowledge of the
15 '631 Patent, making Acer liable for direct, indirect, and willful infringement.

16 86. Acer's infringement of the '631 Patent will continue to damage Bing Xu, causing
17 irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this
18 Court.

19 87. Bing Xu has been damaged as a result of the infringing conduct by defendant
20 alleged above. Thus, Acer is liable to Bing Xu in an amount that adequately compensates it for
21 such infringement, which, by law, cannot be less than a reasonable royalty, together with
22 interest and costs as fixed by this Court under 35 U.S.C. § 284.

23 88. Luxshare made, had made, used, imported, provided, supplied, distributed, sold,
24 and/or offered for sale products (including at least the SATA Connectors used in Acer's
25 "Aspire" laptop line including, but not limited to, part numbers 450.02B04.0001 VA30 HDD

1 FFC and 450.02BN04.0001 VA 30 HDD FFC) that infringed one or more claims of the '631
2 Patent.

3 89. Luxshare thus has infringed and continues to infringe at least Claim 1 of the '631
4 Patent literally and/or under the doctrine of equivalents.

5 90. Incorporated by reference, as though stated in full and attached as **Exhibit 9**, is a
6 claim chart illustrating how each element of Claim 1 of the '631 Patent is met by Luxshare's
7 SATA Connector. Because each and every limitation of Claim 1 is met by Luxshare's SATA
8 Connector, Luxshare directly infringes at least Claim 1 of the '631 Patent.

9 91. Luxshare has also actively induced and will continue to actively induce the
10 infringement of at least one claim of the '631 Patent, in violation of 35 U.S.C. § 271(b), by,
11 among other things, actively and knowingly aiding and abetting others (including the Acer
12 defendants in this lawsuit and other computer manufacturers and end users that are not parties to
13 this suit) through activities such as creating and/or distributing data sheets, specifications,
14 assembly instructions and/or similar materials with instructions on assembling and/or
15 implementing the Accused Products, with the specific intent to induce others to directly make,
16 use, offer for sale, sell, and/or import into the United States Accused Products that fall within
17 the scope of the '631 Patent, without license or authority from Plaintiff. On information and
18 belief, Luxshare knows that the induced acts constitute infringement of the '631 Patent.

19 92. On information and belief, Luxshare also has had knowledge of the '631 Patent
20 at least as of shortly after the date when the first amended complaint (ECF Doc. 29) was filed in
21 this case (October 14, 2016). Luxshare's direct and indirect infringement of the '631 Patent has
22 thus been committed with knowledge of the '631 Patent, making Luxshare liable for direct,
23 indirect, and willful infringement.

1 93. Luxshare's infringement of the '631 Patent will continue to damage Bing Xu,
2 causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by
3 this Court.

4 94. Bing Xu has been damaged as a result of the infringing conduct by Luxshare
5 alleged above. Thus, Luxshare is liable to Bing Xu in an amount that adequately compensates it
6 for such infringement, which, by law, cannot be less than a reasonable royalty, together with
7 interest and costs as fixed by this Court under 35 U.S.C. § 284.

8 95. Bing Xu and/or its predecessors-in-interest have satisfied all statutory obligations
9 required to collect pre-filing damages for the full period allowed by law.

10 **VI.**

11 **PRAYER FOR RELIEF**

12 96. **WHEREFORE**, Plaintiff Bing Xu asks this Court to enter judgment in its favor
13 against Defendants and grant the following relief:

14 97. An adjudication that Defendants have infringed and continue to infringe the '071
15 Patent, the '044 Patent, and the '631 Patent;

16 98. An accounting of all damages sustained by Bing Xu as a result of Defendants'
17 acts of infringement of the '071 Patent, the '044 Patent, and the '631 Patent;

18 99. An award to Bing Xu of actual damages adequate to compensate Bing Xu for
19 Defendants' acts of patent infringement, together with prejudgment and post-judgment interest;

20 100. An award to Bing Xu of enhanced damages, up to and including trebling of Bing
21 Xu's damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement of the '071
22 Patent, the '044 Patent, and the '631 Patent.

23 101. An award of Bing Xu's costs of suit and reasonable attorneys' fees pursuant to
24 35 U.S.C. § 285 due to the exceptional nature of the case, or otherwise permitted by law;

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