

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

MEC RESOURCES, LLC,

Plaintiff,

v.

TDK CORPORATION OF AMERICA,

Defendant.

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Civ. Action No.: 4:18-cv-543

JURY DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

MEC Resources, LLC (“Plaintiff” or “MEC”) files this Complaint for Patent Infringement against Defendant TDK Corporation of America (“Defendant” or “TDK”).

NATURE OF LAWSUIT

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

THE PARTIES

1. MEC Resources, LLC is a tribal limited liability company having a place of business in New Town, North Dakota.

2. Upon information and belief, Defendant TDK a corporation organized and existing under the laws of New York, having a place of business in Collin County, Texas, at 3320 Matrix Drive, Suite 100, Richardson, TX 75082.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§1331 and 1338(a).

4. Venue is proper within this District under 28 U.S.C. §§1391 and 1400(b). On information and belief, Defendant has committed acts of infringement in this District, maintains a place of business in this District, has purposely transacted business in this District, has advertised and solicited business in this District, has committed acts of infringement in this District, and has established minimum contacts within this District. Defendant maintains a district sales office in Collin County, Texas, at 3320 Matrix Drive, Suite 100, Richardson, Texas 75082.

5. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant has conducted and does conduct business within this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District. On information and belief, Defendant maintains a district sales office and numerous employees in this District. Defendant's sales office in this District offers to sell and does sell infringing devices, as further described below. Having purposefully availed themselves of the privilege of conducting business with residents of this judicial district, Defendant should reasonably and fairly anticipate being brought into court here.

INFRINGEMENT OF UNITED STATES PATENT NO. 6,137,390

6. MEC incorporates by reference paragraphs 1-5 as if fully set forth herein.

7. On October 24, 2000, United States Patent No. 6,137,390 ("the '390 patent" or the patent-in-suit) entitled "Inductors with Minimized EMI Effect and the Method of

Manufacturing the Same” was duly and legally issued after full and fair examination. MEC is the owner of all right, title, and interest in and to the patent-in-suit by assignment, with full right to bring suit to enforce the patent, including the right to recover for past infringement damages and the right to recover future royalties, damages, and income. The patent-in-suit is attached hereto as Exhibit A.

8. Claim 1 of the patent-in-suit states:

An inductor with enhanced inductance comprising:

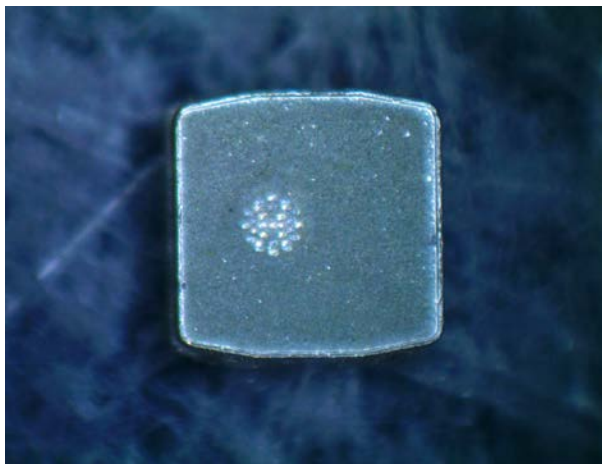
- (a) a magnetic core;
- (b) an electrically conducting coil wound about said magnetic core;
- (c) a magnetic resin layer compression-molded to embed at least a portion of an outer periphery of said electrically conducting coil;
- (d) wherein said magnetic resin layer contains a magnetic powder dispersed in a polymer resin.

9. Defendant has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the patent-in-suit in this judicial district and elsewhere in the United States, by making, using, importing, selling, and offering for sale electronic inductors that incorporate the claims of the patent-in-suit (the “Accused Products”). The Accused Products consist of the following TDK inductor families, all of which on information and belief utilize a “resin shield”: VLS-CX-1, VLS-EX, VLS-HBX-1, VLS-HBU, VLS-HBX, VLX-EX-CA, VLS-E series.

10. One example of Defendant’s infringing products is Defendant’s part number 810-VLS3012HBX-100M. The paragraphs below demonstrate how the Accused Products practice the patent-in-suit by detailing how exemplary TDK part number 810-VLS3012HBX-100M is

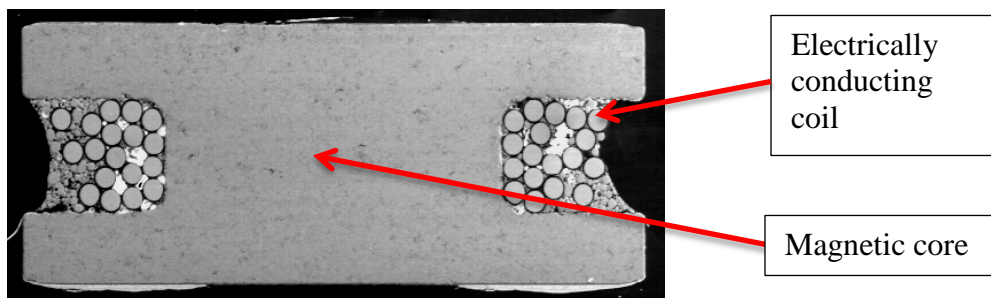
within the scope of the claims of the patent-in-suit. Specifically, the inductor shown in the following paragraphs meets each and every element of at least claim 1 of the patent-in-suit, as further explained in the subsequent paragraphs.

Photograph of TDK part number 810-VLS3012HBX-100M:

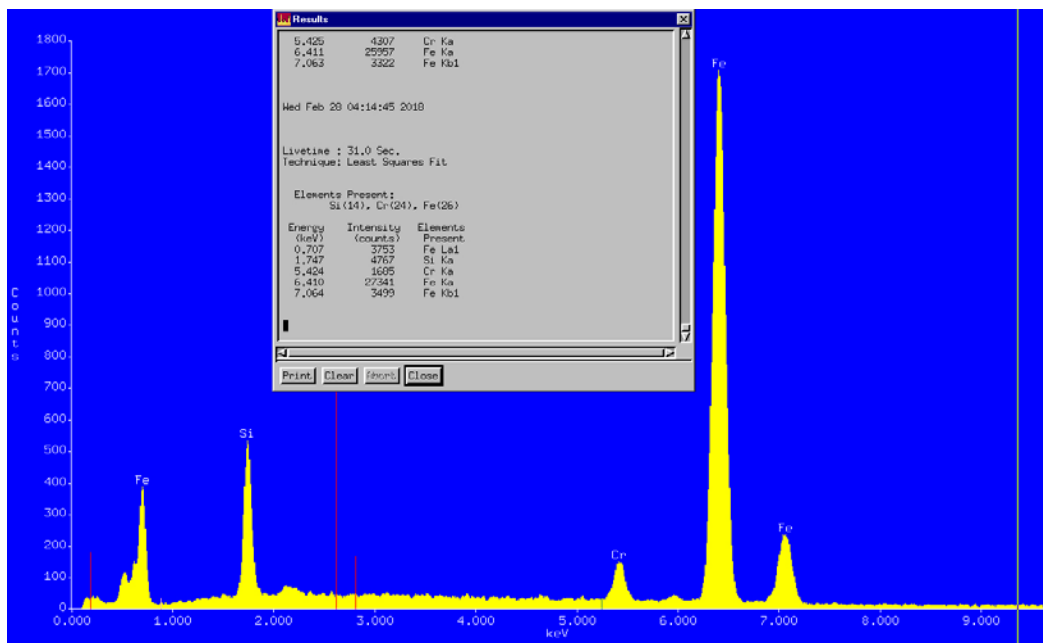


11. The Accused Products have enhanced inductance. On information and belief, the Accused Products exhibit an enhanced inductance through adjusting the thickness of the magnetic-resin layer. *See* '390 patent col 3:31-32; col. 4:13-29.

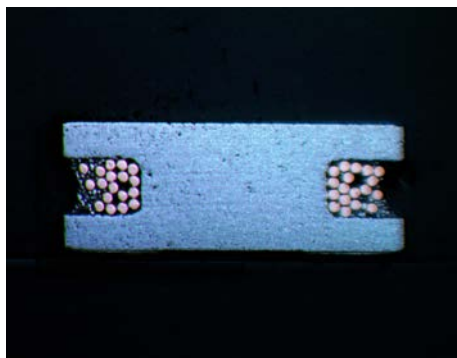
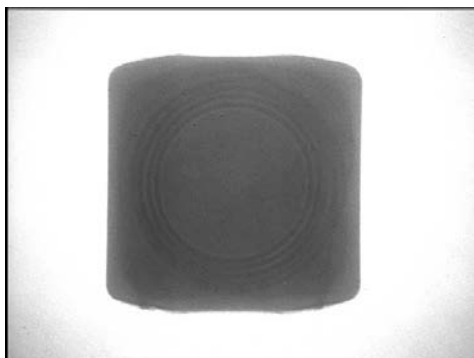
12. The Accused Products contain a magnetic core.



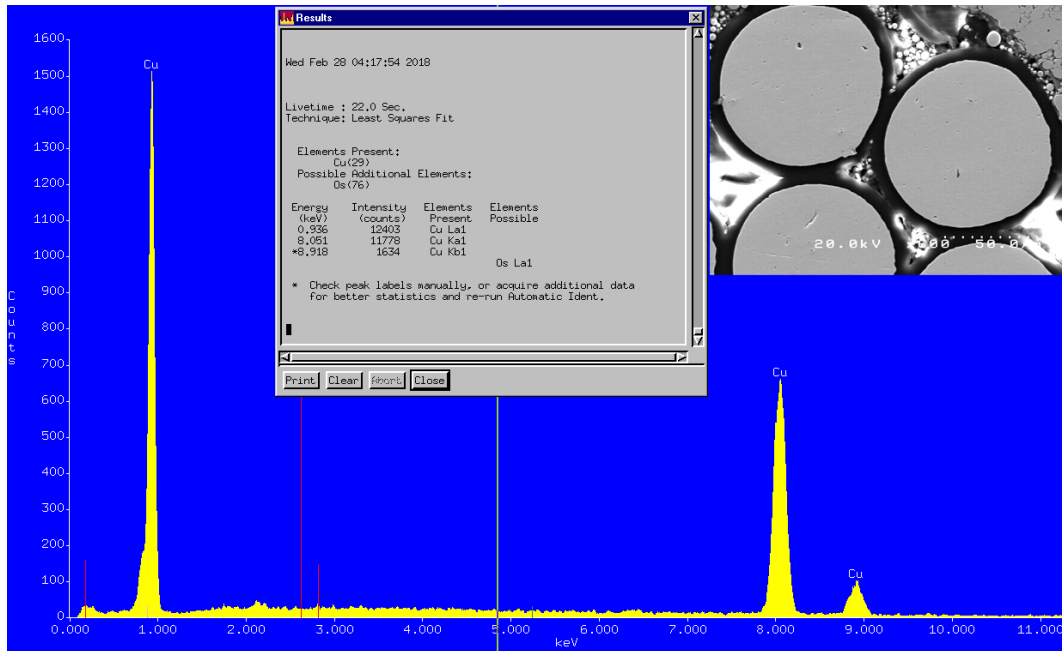
The primary elements present in the inductor core, as indicated by the spectrum below, are iron, chromium, and silicon. The inductor core is predominantly iron, a magnetic substance. Accordingly, the core is magnetic.



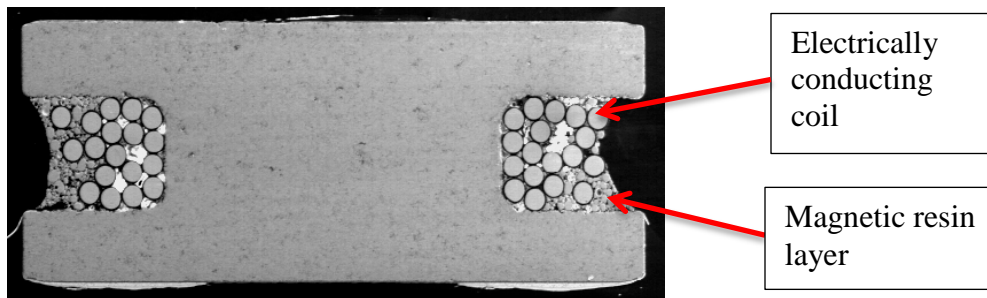
13. The Accused Products contain an electrically conducting coil wound about said magnetic core. The following photographs show the optical cross-section and x-ray image of the coil wound about the core of the Accused Products.



As shown in the spectrum below, the inductor coil is made of copper. Copper is electrically conducting. The inductor uses an electrically conducting coil.

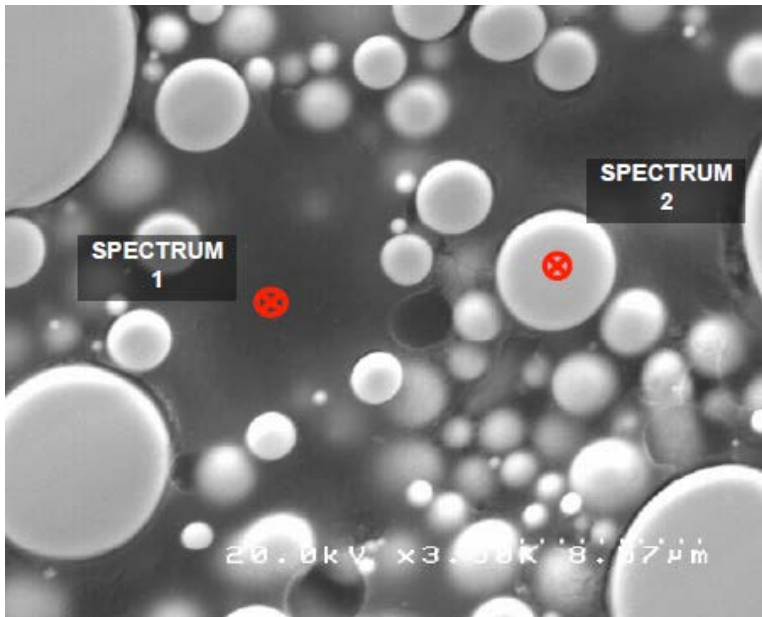


14. The Accused Products comprise a magnetic resin layer compression-molded to embed at least a portion of an outer periphery of said electrically conducting coil. On information and belief, the resin layer is compression-molded. As shown below, at least a portion of an outer periphery of the electrically conducting coil is embedded by the magnetic resin layer.

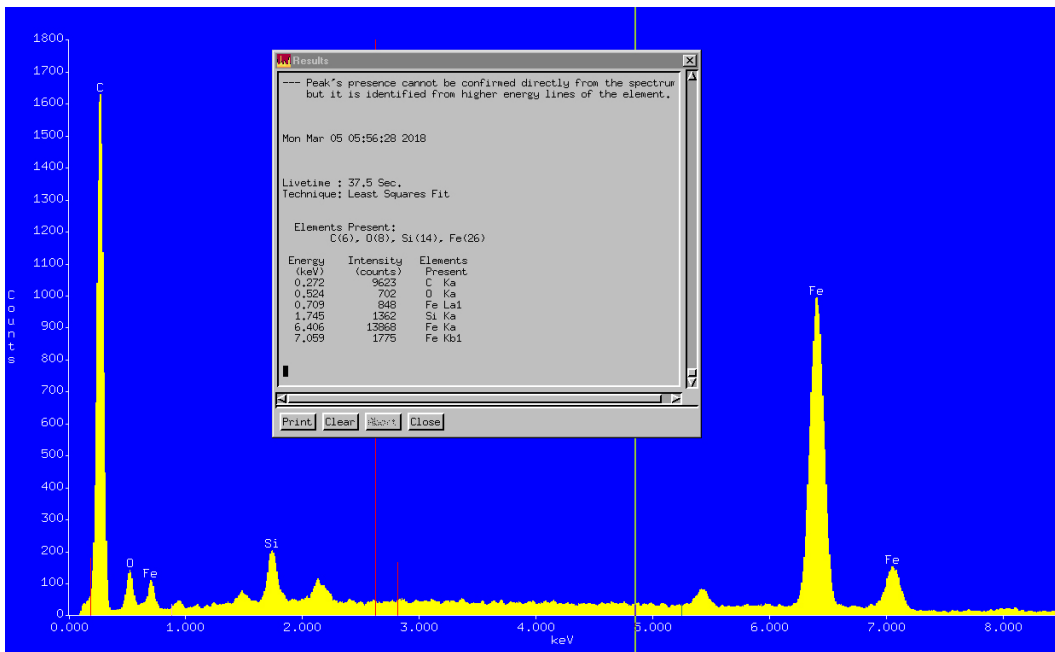


15. The magnetic resin layer contained in the Accused Products contains a magnetic powder dispersed in a polymer resin. The photograph below depicts a cross section of the composition of the resin material, and shows that the resin material comprises a powder dispersed in the resin. The spectrums below detail the components of the magnetic resin layer.

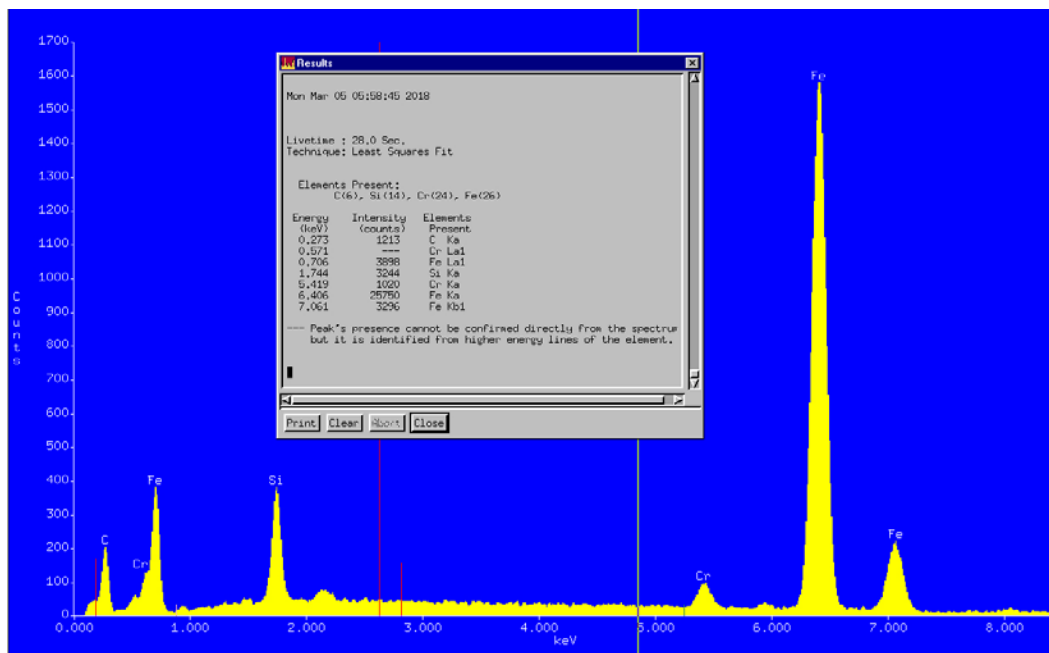
Spectrum 1 indicates the presence of the polymer resin. Spectrum 2 indicates the presence of a ferromagnetic metal powder, iron (Fe).



The spectrum below from the “Spectrum 1” area indicates that the resin material is predominantly carbon (element “C”), indicating that the resin material is a polymer resin.



The spectrum below from the “Spectrum 2” area indicates that the powder particles dispersed in the resin are predominantly iron (element “Fe”), indicating that a magnetic powder is dispersed in the polymer resin.



16. Defendant has also infringed claim 11 of the patent-in-suit, at least under the provisions of 35 U.S.C. 271(g), because Defendant without authority has imported into the United States and has offered to sell, sold and used within the United States the Accused Products which are made by a process patented by claim 11 during the term of the patent-in-suit. In support of MEC’s infringement allegations involving claim 11, MEC incorporates by reference the infringement allegations involving claim 1 above.

17. Claim 11 states:

A method for making inductors with enhanced inductance comprising the steps of:

- (a) winding an electrically conducting coil about a magnetic core;
- (b) forming a magnetic resin layer by compression molding to embed at least a portion of an outer periphery of said electrically conducting coil;

(c) wherein said magnetic resin layer matrix contains a magnetic powder dispersed in a polymer resin.

18. The Accused Products were made using a method that practices each and every step of claim 11 of the patent-in-suit. On information and belief, the Accused Products were not materially changed by subsequent processes, but were imported into or used within the United States without material change. On information and belief, the Accused Products have at no time become a trivial or nonessential component of another product. *See* paragraph 10 above.

19. The Accused Products have enhanced inductance. *See* paragraph 11 above.

20. The Accused Products were made using a method that includes winding an electrically conducting coil about a magnetic core. *See* paragraphs 12-13 above.

21. The Accused Products were made using a method that includes forming a magnetic resin layer by compression molding to embed at least a portion of an outer periphery of said electrically conducting coil. Further, the magnetic resin layer matrix used in the Accused Products contains a magnetic powder dispersed in a polymer resin. *See* paragraphs 14-15 above.

22. Defendant has been at no time, either expressly or impliedly, licensed under the patent-in-suit.

23. Defendant's acts of infringement have caused damage to MEC. MEC is entitled to recover from Defendant the damages sustained by MEC as a result of the wrongful acts of Defendant in an amount subject to proof at trial.

24. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, MEC and all predecessors-in-interest to the patent-in-suit have complied with the requirements of that statute by providing actual or constructive notice to Defendant of their alleged infringement.

25. MEC reserves the right to amend to assert a claim of willful infringement if the evidence obtained in discovery supports such assertion.

DEMAND FOR JURY TRIAL

MEC hereby demands a jury for all issues so triable.

PRAYER

WHEREFORE, MEC respectfully requests that the Court:

1. Enter judgment that Defendant has infringed the patent-in-suit;
2. Award MEC compensatory damages for Defendant's infringement of the patent-in-suit, together with enhanced damages, costs, and pre-and post-judgment interest;
3. A judgment and order awarding enhanced damages, pursuant to 35 U.S.C. § 284, if Defendant's acts of infringement of the patent-in-suit are determined to be willful;
4. An award of all costs and reasonable attorney's fees against Defendant, pursuant to 35 U.S.C. §§ 284 and 285, based on its infringement of the patent-in-suit; and
5. Award any other relief deemed just and equitable.

DATED: August 2, 2018

Respectfully submitted,

/s/Robert D. Katz

Robert D. Katz (Texas Bar No. 24057936)

KATZ PLLC

6060 N. Central Expressway, Suite 560

Dallas, TX 75206

T: 214-865-8000

F: 888-231-5775

rkatz@katzfirm.com

***ATTORNEYS FOR PLAINTIFF
MEC RESOURCES, LLC***