

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

J.S.T. CORPORATION,

Plaintiff,

v.

ROBERT BOSCH GmbH, BOSCH
AUTOMOTIVE PRODUCTS (SUZHOU)
CO., LTD., ROBERT BOSCH LLC, ROBERT
BOSCH, SISTEMAS AUTOMOTRICES, S.A.
de C.V., ROBERT BOSCH LTDA., HON HAI
PRECISION INDUSTRY CO., LTD., and
FOXCONN INTERCONNECT
TECHNOLOGY, LTD.,

Defendants.

Case No. 17-cv-970

Hon. Sharon Johnson Coleman

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff J.S.T. Corporation (“JST” or “Plaintiff”) brings this action for patent infringement against Defendants Robert Bosch GmbH; Bosch Automotive Products (Suzhou) Co., Ltd.; Robert Bosch LLC; Robert Bosch, Sistemas Automotrices, S.A. de C.V.; Robert Bosch Ltda. (collectively, the “Bosch Defendants”); Hon Hai Precision Industry Co., Ltd. d/b/a Foxconn Technology Group; and Foxconn Interconnect Technology, Ltd. (“Foxconn”) (collectively, the “Foxconn Defendants”) (the Bosch Defendants and the Foxconn Defendants jointly, “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code. JST seeks remedies for Defendants’ infringement of JST’s U.S. Patent No. 7,004,766 (the “766 Patent” or the “Asserted Patent”).

PARTIES

2. JST, formerly known as J.S. Terminal Corp. of America, was established in 1975 and is a privately held corporation organized and existing under the laws of the state of Illinois, with its principal place of business at 1957 S. Lakeside Dr., Waukegan, IL 60085.

3. Upon information and belief, Robert Bosch GmbH is a German corporation with its principal place of business at Robert-Bosch-Platz 1, 70839 Gerlingen-Schillerhöhe, Baden-Wuerttemberg, Germany. Upon information and belief, Robert Bosch GmbH is also the parent company of four other below-named Defendants: Bosch Automotive Products (Suzhou) Co., Ltd.; Robert Bosch LLC; Robert Bosch, Sistemas Automotrices, S.A. de C.V.; and Robert Bosch, Ltda. Upon information and belief, the Bosch Defendants work together to, *inter alia*, develop, manufacture, market, import, sell, and distribute infringing products throughout the United States, including within this Judicial District.

4. Upon information and belief, Bosch Automotive Products (Suzhou) Co., Ltd. is a Chinese company with its principal place of business at 126 Su Hong Xi Road, Suzhou, Jiangsu, 215021, China.

5. Upon information and belief, Robert Bosch LLC is a limited liability company that is organized in Delaware with a principal place of business at 2800 South 25th Avenue, Broadview, IL, 60155.

6. Upon information and belief, Robert Bosch, Sistemas Automotrices, S.A. de C.V., is a Mexican company with its principal place of business at Prolongación Hermanos Escobar #6965, Parque Industrial Omega, C.P., 32320 Cd. Juárez, Chihuahua, Mexico.

7. Upon information and belief, Robert Bosch Ltda. is a Brazilian company with its principal place of business at Via Anhangüera, Km 98, 13065-900, Campinas-SP, Brazil.

8. Upon information and belief, Hon Hai Precision Industry Co., Ltd. d/b/a Foxconn Technology Group (“Hon Hai”) is a foreign corporation. Upon information and belief, Hon Hai is also the ultimate parent corporation of Foxconn. Upon information and belief, the Foxconn Defendants, *inter alia*, develop, manufacture, import, sell, and distribute the infringing products to be supplied throughout the United States, including within this Judicial District. Hon Hai has been served in this case pursuant to Fed. R. Civ. P. 4(e)(2)(c).

9. Upon information and belief, Foxconn Interconnect Technology, Ltd. is also a foreign corporation. Foxconn Interconnect Technology, Ltd. has been served in this case pursuant to Fed. R. Civ. P. 4(f)(2)(c)(ii).

JURISDICTION AND VENUE

10. This action arises under the Patent Act, 35 U.S.C. §§ 1 *et seq.*

11. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Robert Bosch LLC because, *inter alia*, (a) it maintains a principal place of business and a continuing presence in this Judicial District so it has availed itself of the rights, benefits, and privileges of Illinois’s laws; (b) Robert Bosch LLC purposefully directed its activities at residents and corporate entities within the state of Illinois and the claims set forth herein as to Robert Bosch LLC arise out of or relate to those activities; (c) it is reasonable and fair for this Court to exercise personal jurisdiction over Robert Bosch LLC; and (d) Robert Bosch LLC has sued and been sued in this Judicial District, and therefore has purposefully availed itself of the benefits and protections of this Court. *See, e.g., Robert Bosch LLC v. Trico Products Corp. et. al.*, No. 1-12-cv-00437 (Ill. N.D.) and *Snap-on Inc. v. Robert Bosch, LLC, et. al.*, No. 1-09-cv-06914 (Ill. N.D.).

13. Upon information and belief, the Bosch Defendants are agents of each other and/or work in concert with each other to develop and manufacture products for the United States market and derive substantial revenue from the sale of such products to customers in Illinois, including in this Judicial District.

14. Upon information and belief, the Bosch Defendants do business in Illinois, including in this Judicial District, by continuously and systematically placing goods into the stream of commerce for distribution throughout the United States, including in Illinois. These substantial and/or continuous and systematic contacts with Illinois satisfy due process and confer personal jurisdiction over the entities in Illinois.

15. Further, upon information and belief, the Bosch Defendants have committed, or aided, abetted, contributed to and/or participated in the commission of, acts of patent infringement that harm and injure JST, including in this Judicial District.

16. In multiple instances, this Judicial District has found jurisdiction proper for at least Defendant Robert Bosch GmbH. *See, e.g., Robert Bosch LLC v. Trico Products Corp. et al.*, No. 1-12-cv-00437 (Ill. N.D.); *Snap-on Inc. v. Robert Bosch, LLC, et al.*, No. 1-09-cv-06914 (Ill. N.D.).

17. This Court also has personal jurisdiction over the Foxconn Defendants. On information and belief, the Foxconn Defendants develop and manufacture products for the United States market and derive substantial revenue from the sale of such products to customers in Illinois, including in this Judicial District.

18. Upon information and belief, the Foxconn Defendants, directly or in concert with the Bosch Defendants, have engaged in substantial and/or continuous and systematic contacts with Illinois, which satisfy due process and confer personal jurisdiction over the Foxconn Defendants in Illinois.

19. Further, upon information and belief, the Foxconn Defendants have committed, or aided, abetted, contributed to and/or participated in the commission of, acts of patent infringement that harm and injure JST, including in this Judicial District.

20. Should Robert Bosch GmbH; Bosch Automotive Products (Suzhou) Co., Ltd.; Robert Bosch, Sistemas Automotrices, S.A. de C.V.; Robert Bosch, Ltda.; and the Foxconn Defendants deny all bases for personal jurisdiction alleged in Paragraphs 12-19, this Court has personal jurisdiction over these Defendants under: (a) Fed. R. Civ. P. 4(k)(1); and/or (b) Fed. R. Civ. P. 4(k)(2).

21. For these reasons, and for other reasons that will be presented to the Court if jurisdiction is challenged, this Court has personal jurisdiction over all of the Defendants.

22. Venue is proper in this Judicial District under 1400(b) because Defendants have committed acts of direct infringement and/or indirect infringement in this Judicial District and have one or more regular and established places of business in this Judicial District.

ASSERTED PATENT

23. On February 28, 2006, the United States Patent and Trademark Office (“USPTO”) duly and lawfully issued the ’766 Patent, entitled “Tine Plate,” to inventors Ping Chen and Sunao Mizuno. The ’766 Patent issued from United States Application No. 10/955,723, filed September 29, 2004. All maintenance fees for the ’766 Patent have been paid, and there are no fees currently due. A true and correct copy of the ’766 Patent is attached hereto as **Exhibit A**.

24. The ’766 Patent has 10 claims, including 2 independent claims and 8 dependent claims.

25. By way of assignment, JST holds all rights, title and interest to the ’766 Patent. The ’766 Patent has not been licensed.

26. The ’766 Patent is valid and enforceable.

27. Objective indicia of non-obviousness support the validity of the '766 Patent. For example, the Defendants copied a commercial embodiment of the claims, commercial embodiments of the claims are commercially successful, the claimed invention met a long-felt but unmet need in the technology space, others failed to solve the long-felt need addressed by the invention, the claimed invention exhibits unexpected superiority, experts initially expressed skepticism of the claimed invention, others taught away from the claimed invention, and the claimed invention has been praised by others.

INFRINGEMENT OF THE PATENT-IN-SUIT

28. Defendants have infringed and continue to infringe the '766 Patent that relates to electrical connectors.

29. Defendants directly infringed and continue to infringe, literally or under the doctrine of equivalents, of at least claims 2, 4, 9, and 10 (the "Asserted Claims") by at least the manufacture, importation, use, offer for sale, and/or sale of the infringing products without authority from JST.

30. Upon information and belief, Defendants' exemplary products, such as the Bosch Global A BCM header connector (which is also known as the 183-pin BCM connector) and the Bosch Body Control Module (part number 13594587), which includes the 183-pin BCM connector¹ infringe the Asserted Claims. A claim chart comparing an exemplary infringing product, Bosch's Body Control Module, to the '766 Patent's Asserted Claims is attached as **Exhibit B**.

31. Upon information and belief, the Bosch Defendants and Foxconn Technology Group have also induced and continued to induce others to infringe, literally or under the

¹ JST has identified these products based on information that is publicly available at this time. This list is non-limiting, and JST expects to identify additional infringing products during discovery.

doctrine of equivalents, the Asserted Claims at least as of the date of filing and service of the original complaint in this matter. For example, upon information and belief, the Bosch Defendants and Foxconn Technology Group have specifically instructed Foxconn to manufacture infringing products on their behalf, which are then sold for importation into and sale within the United States.

32. It is undisputed that at least as of the date of filing and service of the original complaint in this matter, Defendants had notice of both the Asserted Patent and JST's infringement allegations. Therefore, Defendants have had actual knowledge of, or were willfully blind to, the '766 Patent since at least such a date.

COUNT I: INFRINGEMENT OF THE '766 PATENT

33. Paragraphs 1-32 are incorporated by reference as if fully restated herein.

34. Defendants have infringed, and continue to infringe, by making, using, offering to sell, selling and/or importing products that infringe one or more claims of the '766 Patent and/or by actively inducing the infringement of others, in violation of 35 U.S.C. § 271(a) and (b).

35. JST is entitled to recover damages adequate to compensate for Defendants' infringement. Furthermore, Defendants' infringement of the '766 Patent is willful and deliberate, entitling JST to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

36. JST has no adequate remedy at law for Defendants' infringement of the '766 Patent and is suffering irreparable harm, requiring permanent injunctive relief.

REQUEST FOR RELIEF

WHEREFORE, JST respectfully requests the following relief:

A. A judgment that the '766 Patent is valid and enforceable;

B. A judgment that Defendants have directly infringed one or more claims of the '766 Patent, or have induced such infringement, pursuant to 35 U.S.C. § 271(a) and/or (b);

C. An order permanently enjoining Defendants and their respective affiliates, subsidiaries, officers, agents, servants, directors, representatives, licensees, successors, assigns, employees, attorneys, and all those acting in concert, privity, or participation with any of the foregoing, from infringing, directly or indirectly, the Asserted Patent;

D. A judgment that awards JST all appropriate damages under 35 U.S.C. § 284 for Defendants' past infringement, and any continuing or future infringement of the '766 Patent, up until the date such judgment is entered, including enhanced damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement of the '766 Patent, as well as any pre- and post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate JST for Defendants' infringement, an accounting:

- i. That this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that JST be awarded its reasonable attorneys' fees against Defendants that it incurs in prosecuting this action;
- ii. That JST be awarded costs and expenses that it incurs in prosecuting this action; and

E. That JST be awarded such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Under Rule 38(b) of the Federal Rules of Civil Procedure, JST respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: February 1, 2019

Respectfully submitted,

/s/ Timothy K. Sendek
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