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13 Attorneys for Plaintiff  
14 JOHNSTECH INTERNATIONAL CORP.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 JOHNSTECH INTERNATIONAL CORP.,

19 Plaintiff,

20 v.

21 WINWAY TECHNOLOGY CO. LTD., and  
22 WINWAY TECHNOLOGY INTERNATIONAL,  
23 INC.,

24 Defendants.

Case No.: \_\_\_\_\_

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

25  
26 Plaintiff Johnstech International Corp. (“Johnstech”), for its Complaint against Defendants  
27 WinWay Technology Co. Ltd., and WinWay Technology International, Inc., (together “WinWay”),  
28 alleges as follows:

**THE PARTIES**

1  
2 1. Plaintiff Johnstech is a Minnesota corporation with a principal place of business at  
3 1210 New Brighton Boulevard, Minneapolis, Minnesota 55413. Johnstech does business in the  
4 State of California and in this District.

5 2. Defendant WinWay Technology Co. Ltd. is a company formed under the laws of  
6 Taiwan, with a place of business at No. 68, Chuangyi S. Rd., Second District of Nanzih Export  
7 Processing Zone, Nanzih Dict., Kaohsiung City 81156, Taiwan (Republic of China).

8 3. Defendant WinWay Technology International, Inc., is a California corporation with  
9 a place of business at 1800 Wyatt Dr. Suite 2, Santa Clara, California 95054.

10 4. Upon information and belief, Defendant WinWay Technology International, Inc. is  
11 a wholly-owned subsidiary of Defendant WinWay Technology Co. Ltd., and the two companies  
12 jointly conduct business activities. WinWay Technology International, Inc. and WinWay  
13 Technology Co. Ltd. are, therefore, referred to hereafter together as “WinWay.”

**JURISDICTION AND VENUE**

14  
15 5. This is an action for patent infringement arising under the laws of the United States,  
16 35 U.S.C. § 1 et seq., and more particularly, 35 U.S.C. §§ 271 and 281.

17 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
18 1338(a).

19 7. This Court has personal jurisdiction over WinWay because it has engaged in  
20 systematic and continuous business activities in the State of California and this District. As  
21 described below, WinWay has committed acts of patent infringement giving rise to this action  
22 within the State of California and this District.

23 8. Venue is proper in this District under 28 U.S.C. § 1400(b) because WinWay has  
24 committed acts of patent infringement in the State of California and this District, and has an  
25 established place of business in this District. In addition, Johnstech has suffered harm in this  
26 District. Furthermore, Defendant WinWay Technology Co. Ltd., as a foreign corporation, is  
27 subject to suit in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).  
28

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**INTRADISTRICT ASSIGNMENT**

1  
2 9. Because this action for patent infringement involves intellectual property rights, it  
3 is excluded from the division-specific venue rule of Civil Local Rule 3-2(c). However, for the  
4 convenience of the parties and the Court and the interests of justice will be served best if this patent  
5 infringement case is assigned to Judge James Donato who has previously been assigned a case  
6 involving the same Plaintiff and one of the same patents: *Johnstech Int'l Corp. v. JF*  
7 *Microtechnology SBN BHD*, Case No. 3:14-cv-02864-JD (N.D. Cal. filed June 20, 2014). Because  
8 Judge Donato presided over claim construction, trial, and a permanent injunction in that case, and  
9 is familiar with the technology involved, Johnstech respectfully requests that this case be assigned  
10 to Judge Donato in the San Francisco Division. Johnstech intends to file an Administrative Motion  
11 to Consider Whether Cases Should be Related in the *Johnstech Int'l Corp. v. JF Microtechnology*  
12 case.

**JOHNSTECH'S ROL TEST CONTACTOR INVENTION**

13  
14 10. Johnstech manufactures, develops, and offers for sale test contactors used to test  
15 integrated circuits (computer chips). Johnstech has been developing and manufacturing test  
16 contactors for testing integrated circuits since its formation in 1990.

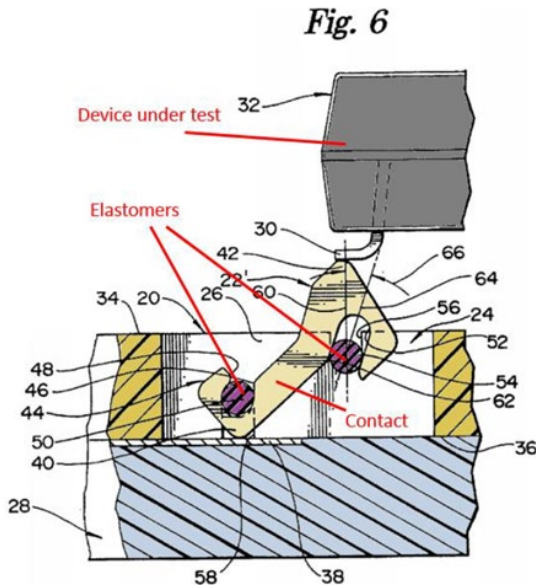
17 11. A test contactor facilitates a temporary electrical connection between an integrated  
18 circuit device being tested and a "load board" on a testing machine. Conductive "contacts" inside  
19 a "housing" of the test contactor are positioned between electrical "leads" on the integrated circuit  
20 device and electrical "terminals or pads" on the load board.

21 12. A temporary interconnection forms when the integrated circuit is inserted into the  
22 test contactor and presses against the contacts. This interconnection allows electricity to flow from  
23 the load board, through the contact, and into the integrated circuit device being tested.

24 13. Johnstech's business was developed around its "S" contactor, which is described in  
25 U.S. Patent No. 5,634,801 (the "'801 Patent"). The S contactor included a test contact that is  
26 actuated under pressure when the device under test was inserted and elastomers that maintained the  
27 connection between the device under test and the terminal pad of the load board. Figure 6 from the  
28 '801 Patent illustrates the S contactor's design, as shown below.

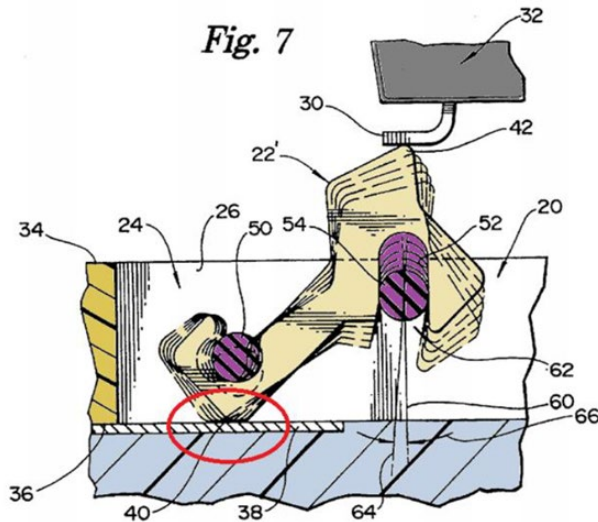
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(’801 Patent, Fig. 6 (color and labels added for clarity).) The S contactor was a substantial improvement over prior art devices like “burn-in sockets” because the S contactor’s design facilitated a greater test window and improved electrical conductivity compared to prior art devices, and used parts that could easily be replaced.

14. The S contactor, however, had its own significant drawback. Each time the test contact was actuated when the device under test was inserted and then removed, the contact would “move laterally across the integrated circuit board terminal ... with which it is in contact.” (Fig. 7, ’801 Patent at 14:36-41.) This sliding motion, which is illustrated in Figure 7 of the ’801 patent, shown below, caused wear along the terminal pad of the load board:

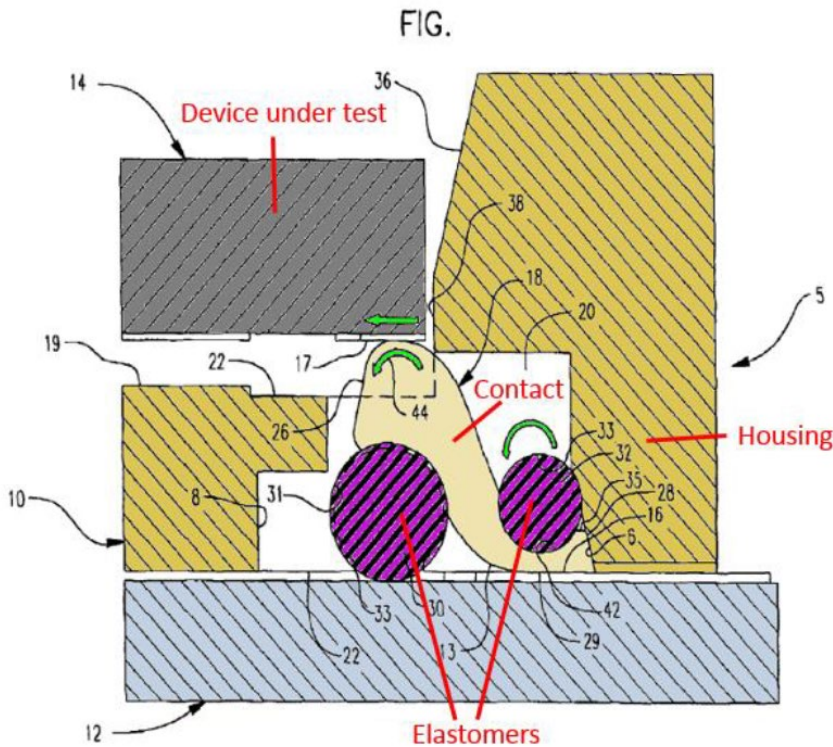


1 ('801 Patent, Fig. 7 (color added for clarity, circle added to show area of wear).) Over time, the  
 2 repeated sliding each time a device is inserted and removed, which can occur tens or hundreds of  
 3 thousands of times, causes wear on the load board.

4 15. To overcome the problem of sliding on the load board, Johnstech developed the  
 5 pathbreaking ROL® line of test contactors.

6 16. As disclosed in the specification of the U.S. Patent No. 7,059,866, Johnstech's ROL  
 7 technology uses engagement of the tail of the contact with the rear wall of the housing, which  
 8 operates as a backstop causing the contact to roll forward, rather than sliding back, which  
 9 substantially eliminates sliding of the contact along the load board. ('866 Patent, Fig. and at 22:13-  
 10 20.) When the integrated circuit device is inserted, the contact is engaged with the housing wall,  
 11 which prevents the contact from sliding away from the device under test. Instead, the elastomers  
 12 holding the contact deform and the contact rotates so that as the contact is pressed against the  
 13 integrated circuit device's leads, the contact rolls across the load board's terminals or pads. ('866  
 14 Patent, Fig. and at 3:23-37.)

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28 ('866 Patent, Fig. (color and labels added for clarity).)

1 17. At the time of the original invention, no solid rigid contact rolled across the surface  
2 of a load board and engaged the housing wall in order to substantially eliminate sliding. Unlike the  
3 '866 Patent, the S contact disclosed in the prior art '801 Patent does not engage the housing wall  
4 and slides, rather than rolling on the load board.

5 **THE PATENTS-IN-SUIT**

6 18. Johnstech was awarded several patents related to the ROL invention. First, U.S.  
7 Patent No. 7,059,866 and U.S. Patent No. 7,338,293. Then U.S. Patent No. 7,445,465, and U.S.  
8 Patent No. 7,722,361 related to improvements to the inventions. Collectively, U.S. Patent No.  
9 7,059,866, U.S. Patent No. 7,338,293, U.S. Patent No. 7,445,465, and U.S. Patent No. 7,722,361  
10 are referred to as the "Patents-in-Suit".

11 19. Johnstech is the assignee possessing all right, title and interest in United States  
12 Patent No. 7,059,866 ("the '866 Patent"), entitled "Integrated Circuit Test Contact to Test  
13 Apparatus," which issued on June 13, 2006. A true and correct copy of the '866 Patent is attached  
14 as Exhibit A. Johnstech has standing to sue for infringement of the '866 Patent.

15 20. Johnstech is the assignee with all rights, title and interest in United States Patent No.  
16 7,338,293 ("the '293 Patent"), entitled "Circuit Contact to Test Apparatus," which issued on March  
17 4, 2008. A true and correct copy of the '293 Patent is attached as Exhibit B. Johnstech has standing  
18 to sue for infringement of the '293 Patent.

19 21. Johnstech is the assignee with all substantial rights, title and interest in United States  
20 Patent No. 7,445,465 ("the '465 Patent"), entitled "Test Socket," which issued on November 4,  
21 2008. A true and correct copy of the '465 Patent is attached as Exhibit C. Johnstech has standing  
22 to sue for infringement of the '465 Patent.

23 22. Johnstech is the assignee possessing all right, title and interest in United States  
24 Patent No. 722,361 ("the '361 Patent"), entitled "Test Socket," which issued on May 25, 2010. A  
25 true and correct copy of the '361 Patent is attached as Exhibit D. Johnstech has standing to sue for  
26 infringement of the '361 Patent.

27 23. Johnstech implemented the invention claimed in the Patents-in-Suit into its ROL  
28 product line of test contactors as a feature that eliminated wear to the expensive load board of

1 customers' testing machines. Johnstech's ROL products practice the claims of the Patents-in-Suit.  
2 Test contactors utilizing the ROL technology claimed in the Patents-in-Suit allow the test contacts  
3 to "roll" across the terminal of the load board of the tester, thereby reducing wear and increasing  
4 the life of the load board.

5 24. The ROL product line has been extremely successful. The ROL products are the  
6 leading test contactors for global semiconductor manufacturers and test houses. There is no  
7 acceptable non-infringing alternative in the United States for Johnstech ROL test contactors.

8 25. Competitors soon began copying the patented ROL technology after it was  
9 introduced to the market by Johnstech. First, Interconnect Devices, Inc. (IDI) directly copied  
10 Johnstech's ROL contactor to make a competitive device, "Archimedes." IDI's Archimedes  
11 contactor used engagement of the tail of the contact with the rear wall of the housing as a way to  
12 substantially eliminate sliding motion of the contact as it rolled across the terminal of the load  
13 board. Johnstech sued IDI for infringement of the Patents-in-Suit. *See Interconnect Devices, Inc.*  
14 *v. Johnstech Int'l Corp.*, Case No. 3:14-cv-0113-JD (N.D. Cal. filed May 2, 2014). In response to  
15 Johnstech's lawsuit, IDI agreed to remove Archimedes from the market.

16 26. Next, competitor JF Microtechnology copied the ROL technology and sold a test  
17 contactor under the name "Zigma" as a drop-in replace for ROL contactors. Zigma test contactors  
18 also used engagement of the tail of the contact with the rear wall of the housing as a way to  
19 substantially eliminate sliding motion of the contact as it rolled across the terminal of the load  
20 board. Johnstech sued JF Microtechnology for infringement of the '866 Patent. *Johnstech Int'l*  
21 *Corp. v. JF Microtechnology SBN BHD*, Case No. 3:14-cv-02864-JD (N.D. Cal. filed June 20,  
22 2014).

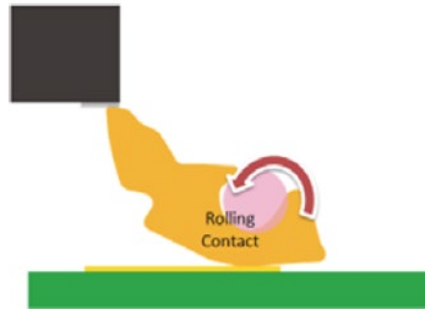
23 27. A jury found that JF Microtechnology willfully infringed Johnstech's '866 Patent  
24 and rejected a challenge to the validity of the patent. Thereafter, this Court entered judgment on  
25 the verdict, awarded enhanced damages and permanently enjoined JF Microtechnology's further  
26 infringement. *Johnstech Int'l Corp. v. JF Microtechnology SBN BHD*, 315 F. Supp. 3d 1130  
27 (N.D. Cal. 2018) (denying motion for judgment as a matter of law and new trial); 2018 WL 3036759  
28 (N.D. Cal. June 19, 2018) (issuing permanent injunction); 2018 WL 3730404 (N.D. Cal. August 6,

1 2018) (enhancing damages). The Federal Circuit affirmed the judgment. 773 Fed. Appx. 623  
 2 (Jul 15, 2019).

3 **WINWAY’S ACTS OF INFRINGEMENT**

4 28. WinWay developed an infringing test contactor designed as a replacement for  
 5 Johnstech’s patented ROL products. WinWay refers to this product as the “W-pin.”

6 29. Information about W-pin on WinWay’s previously-published website describes the  
 7 product as a “rigid contact element.” A true and correct copy of the WinWay webpage is attached  
 8 as Exhibit E. “The rigid design [of W-pin] benefits the socket performing with high frequency,  
 9 high current carrying capacity and long lifetime in test.” *Id.* The website further states that W-pin  
 10 is a “rolling contact” resulting in the load board pad being “free from damage concern.” *Id.* The  
 11 website includes a diagram showing the W-pin contact “rolling” across a load board when engaged  
 12 with an integrated circuit under test:

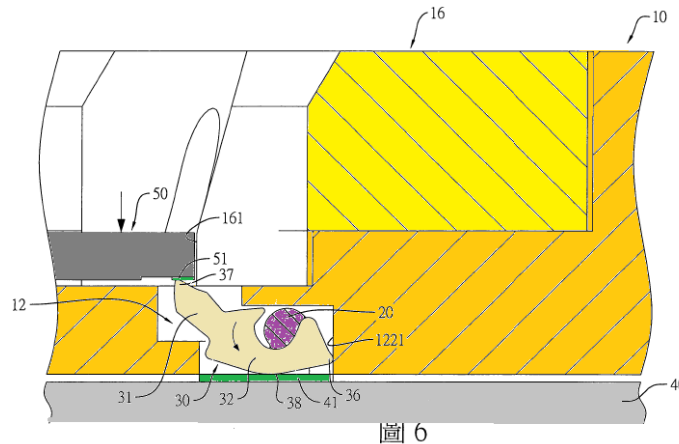


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 18 (Exhibit E.)

19 30. WinWay has offered for sale, sold and/or imported into the United States a test  
 20 contactor under the name “W-pin” substantially similar as the test contactor described within  
 21 Taiwan patent application TW201504640A, assigned to WinWay (“the WinWay patent  
 22 application”). A true and correct copy of the WinWay patent application with an English translation  
 23 is attached as Exhibit F. Upon information and belief, the description of the test contactor in the  
 24 WinWay patent application is a materially accurate description of the W-pin offered for sale, sold  
 25 and/or imported into the United States for purposes of determining infringement of the Patents-in-  
 26 Suit.  
 27  
 28



1           31.     The WinWay patent application discloses a “test connector” that is “provided on the  
2 circuit board of test equipment.” *See* Abstract of patent application. As shown in Figure 6, below,  
3 the W-pin test contactor contains a contact (30) inside of a housing (10), and having a first end (37)  
4 engagable by the integrated circuit (50) under test, and a second end (38) in engagement with the  
5 terminal (41) of the load board (40).



14 (Exhibit F at Figure 6 (color added for clarity).)

15           32.     The W-pin contact (30) is compressed inside the housing (10) by an elastomer (20)  
16 that biases the contact to a first, pre-test position extending from the housing. When the first end  
17 of the W-pin contact (37) is engaged by an integrated circuit under test, the contact (38) rolls across  
18 the terminal (41) of the load board (40) to a second position. Like the patented ROL technology,  
19 the tail of the contact (36) in the W-pin engages the rear wall of the housing (1221) to substantially  
20 eliminate sliding motion of the contact (38) as it rolls across the terminal (41) of the test machine’s  
21 load board (40), as shown in Figure 6 of the WinWay patent application.

22           33.     While WinWay has offered earlier versions of the W-pin since at least as early as  
23 2017, the date of the website (Exhibit E), Johnstech was unaware of WinWay’s actual use, sale,  
24 offer for sale, or importation of the W-pin into the United States. Johnstech recently became aware  
25 that WinWay has been offering for sale, selling, importing, and/or inducing customers to use the  
26 W-pin in the United States. Johnstech discovered at least one of its customers in the United States  
27 had replaced their ROL test contactor with a W-pin contactor.

28

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1 34. Upon information and belief, WinWay has had knowledge of Johnstech’s Patents-  
 2 in-Suit before the filing of this action, given the ROL products’ share of the market in the niche  
 3 market segment for test contactors for testing analog, mixed-signal, and RF integrated circuits, and  
 4 given the fact that WinWay has sold the W-pin to at least one Johnstech customer as a replacement  
 5 for ROL contactors. Moreover, from the design, it appears that W-pin was intended as a substitute  
 6 for Johnstech’s ROL test contactors.

7 35. Upon information belief, WinWay is offering for sale, importing into the United  
 8 States, and inducing others to use within the United States, W-pin test contactors that infringe each  
 9 of the Patents-in-Suit.

10 36. WinWay undertook and continues its infringing actions despite that it knew and/or  
 11 should have known that its actions constituted an unjustifiably high risk that its activities infringed  
 12 the Patents-in-Suit, which were duly issued, and are presumed valid. For example, since at least  
 13 the filing of this action, WinWay has been aware of the unjustifiably high risk that its actions  
 14 constituted and continue to constitute infringement of the Patents-in-Suit, and that the Patents-in-  
 15 Suit are valid. On information and belief, WinWay could not reasonably, subjectively believe that  
 16 its actions do not constitute infringement of the Patents-in-Suit, and it could not reasonably,  
 17 subjectively believe that the Patents-in-Suit are invalid. Despite this knowledge and subjective  
 18 belief, and the unjustifiably high risk that its actions constitute infringement, WinWay has  
 19 continued its infringing activities. As such, WinWay willfully infringes the Patents-in-Suit.

**COUNT I**

**INFRINGEMENT OF THE '866 PATENT**

22 37. Johnstech realleges the allegations in the preceding paragraphs as if fully restated in  
 23 Count I of this Complaint.

24 38. **Direct Infringement.** WinWay has been and still is, directly infringing, either  
 25 literally or under the doctrine of equivalence, at least one claim of the '866 Patent by importing,  
 26 using, selling and/or offering to sell in the United States, test contactor products, including the  
 27 product offered for sale under the name “W-pin.”  
 28

1           39. The service of this Complaint upon WinWay constitutes actual knowledge of  
2 infringement as alleged here.

3           40. Despite such actual knowledge, WinWay continues to use, sell, offer for sale, and/or  
4 import into the United States, products that infringe the '866 Patent. On information and belief,  
5 WinWay has also continued to sell W-pin and induce end users and other to use the W-pin in the  
6 customary and intended manner that infringes the '866 Patent.

7           41. **Induced Infringement.** WinWay actively, knowingly, and intentionally has been  
8 and continues to induce infringement of the '866 Patent, literally or by the doctrine of equivalents,  
9 by selling W-pin to customers for specific use in a manner that infringes one or more claims of the  
10 '866 Patent.

11           42. **Contributory Infringement.** WinWay actively, knowingly, and intentionally has  
12 been and continues to materially contribute to its own customers' infringement of the '866 Patent,  
13 literally or by the doctrine of equivalents, by selling W-pin products, including parts, to its  
14 customers for use in their products in a manner that infringes one or more claims of the '866 Patent.  
15 Moreover, the W-pin is not a staple article of commerce suitable for substantial non-infringing use.

16           43. Exhibit G includes a chart comparing claim 1 of the '866 Patent to the W-pin. As  
17 set forth in this chart, the W-pin practices the technology claimed in the '866 Patent.

18           44. Johnstech incorporates by reference in its allegations herein the claim chart in  
19 Exhibit G.

20           45. Johnstech has been damaged by WinWay's infringement of the '866 Patent. Unless  
21 restrained and enjoined by this Court, WinWay will continue to infringe the '866 Patent resulting  
22 in substantial, continuing, and irreparable damage to Johnstech.

23           46. Johnstech is further informed, and on this basis alleges, that WinWay's infringement  
24 of '866 Patent has been and continues to be deliberate and willful, and, therefore, this is an  
25 exceptional case warranting an award of enhanced damages for up to three times the actual damages  
26 awarded and attorney's fees pursuant to 35 U.S.C. §§ 284-285. As noted above, WinWay has had  
27 knowledge of the '866 Patent or at least was willfully blind to its infringement, and yet has  
28 deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless

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1 disregard for Johnstech's patent rights. Thus, WinWay's infringing actions have been and continue  
2 to be consciously wrongful.

3 47. Johnstech has complied with the notice requirements of 35 U.S.C. § 287(a) with  
4 respect to the '866 Patent.

5 **COUNT II**

6 **INFRINGEMENT OF THE '293 PATENT**

7 48. Johnstech realleges the allegations in the preceding paragraphs as if fully restated in  
8 Count II of this Complaint.

9 49. **Direct Infringement.** WinWay has been and still is, directly infringing, either  
10 literally or under the doctrine of equivalence, at least one claim of the '293 Patent by importing,  
11 using, selling and/or offering to sell in the United States, test contact products, including the product  
12 offered for sale under the name "W-pin."

13 50. The service of this Complaint upon WinWay constitutes actual knowledge of  
14 infringement as alleged here.

15 51. Despite such actual knowledge, WinWay continues to use, sell, offer for sale, and/or  
16 import into the United States, products that infringe the '293 Patent. On information and belief,  
17 WinWay has also continued to sell W-pin and induce end users and other to use the W-pin in the  
18 customary and intended manner that infringes the '293 Patent.

19 52. **Induced Infringement.** WinWay actively, knowingly, and intentionally has been  
20 and continues to induce infringement of the '293 Patent, literally or by the doctrine of equivalents,  
21 by selling W-pin to customers for specific use in a manner that infringes one or more claims of the  
22 '293 Patent.

23 53. **Contributory Infringement.** WinWay actively, knowingly, and intentionally has  
24 been and continues to materially contribute to its own customers' infringement of the '293 Patent,  
25 literally or by the doctrine of equivalents, by selling W-pin products, including parts, to its  
26 customers for use in their products in a manner that infringes one or more claims of the '866 Patent.  
27 Moreover, the W-pin is not a staple article of commerce suitable for substantial non-infringing use.  
28

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1 54. Exhibit H includes a chart comparing claim 1 of the '293 Patent to the W-pin. As  
2 set forth in this chart, the W-pin practices the technology claimed in the '293 Patent.

3 55. Johnstech incorporates by reference in its allegations herein the claim chart in  
4 Exhibit H.

5 56. Johnstech has been damaged by WinWay's infringement of the '293 Patent. Unless  
6 restrained and enjoined by this Court, WinWay will continue to infringe the '293 Patent resulting  
7 in substantial, continuing, and irreparable damage to Johnstech.

8 57. Johnstech is further informed, and on this basis alleges, that WinWay's infringement  
9 of '293 Patent has been and continues to be deliberate and willful, and, therefore, this is an  
10 exceptional case warranting an award of enhanced damages for up to three times the actual damages  
11 awarded and attorney's fees pursuant to 35 U.S.C. §§ 284-285. As noted above, WinWay has had  
12 knowledge of the '293 Patent or at least was willfully blind to its infringement, and yet has  
13 deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless  
14 disregard for Johnstech's patent rights. Thus, WinWay's infringing actions have been and continue  
15 to be consciously wrongful.

16 58. Johnstech has complied with the notice requirements of 35 U.S.C. § 287(a) with  
17 respect to the '293 Patent.

18 **COUNT III**

19 **INFRINGEMENT OF THE '465 PATENT**

20 59. Johnstech realleges the allegations in the preceding paragraphs as if fully restated in  
21 Count III of this complaint.

22 60. **Direct Infringement.** WinWay has been and still is, directly infringing, either  
23 literally or under the doctrine of equivalence, at least one claim of the '465 Patent by importing,  
24 using, selling and/or offering to sell in the United States, test contact products, including the product  
25 offered for sale under the name "W-pin."

26 61. The service of this Complaint upon WinWay constitutes actual knowledge of  
27 infringement as alleged here.

28

1           62.     Despite such actual knowledge, WinWay continues to use, sell, offer for sale, and/or  
2 import into the United States, products that infringe the '465 Patent. On information and belief,  
3 WinWay has also continued to sell W-pin and induce end users and other to use the W-pin in the  
4 customary and intended manner that infringes the '465 Patent.

5           63.     **Induced Infringement.** WinWay actively, knowingly, and intentionally has been  
6 and continues to induce infringement of the '465 Patent, literally or by the doctrine of equivalents,  
7 by selling W-pin to customers for specific use in a manner that infringes one or more claims of the  
8 '465 Patent.

9           64.     **Contributory Infringement.** WinWay actively, knowingly, and intentionally has  
10 been and continues to materially contribute to its own customers' infringement of the '465 Patent,  
11 literally or by the doctrine of equivalents, by selling W-pin products, including parts, to its  
12 customers for use in their products in a manner that infringes one or more claims of the '465 Patent.  
13 Moreover, the W-pin is not a staple article of commerce suitable for substantial non-infringing use.

14           65.     Exhibit I includes a chart comparing claim 1 of the '465 Patent to the W-pin. As set  
15 forth in this chart, the W-pin practices the technology claimed in the '465 Patent.

16           66.     Johnstech incorporates by reference in its allegations herein the claim chart in  
17 Exhibit I.

18           67.     Johnstech has been damaged by WinWay's infringement of the '465 Patent. Unless  
19 restrained and enjoined by this Court, WinWay will continue to infringe the '465 Patent resulting  
20 in substantial, continuing, and irreparable damage to Johnstech.

21           68.     Johnstech is further informed, and on this basis alleges, that WinWay's infringement  
22 of '465 Patent has been and continues to be deliberate and willful, and, therefore, this is an  
23 exceptional case warranting an award of enhanced damages for up to three times the actual damages  
24 awarded and attorney's fees pursuant to 35 U.S.C. §§ 284-285. As noted above, WinWay has had  
25 knowledge of the '465 Patent or at least was willfully blind to its infringement, and yet has  
26 deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless  
27 disregard for Johnstech's patent rights. Thus, WinWay's infringing actions have been and continue  
28 to be consciously wrongful.

1 69. Johnstech has complied with the notice requirements of 35 U.S.C. § 287(a) with  
2 respect to the '465 Patent.

3 COUNT IV

4 INFRINGEMENT OF THE '361 PATENT

5 70. Johnstech realleges the allegations in the preceding paragraphs as if fully restated in  
6 Count IV of this complaint.

7 71. **Direct Infringement.** WinWay has been and still is, directly infringing, either  
8 literally or under the doctrine of equivalence, at least one claim of the '361 Patent by importing,  
9 using, selling and/or offering to sell in the United States, test contact products, including the product  
10 offered for sale under the name "W-pin."

11 72. The service of this Complaint upon WinWay constitutes actual knowledge of  
12 infringement as alleged here.

13 73. Despite such actual knowledge, WinWay continues to use, sell, offer for sale, and/or  
14 import into the United States, products that infringe the '361 Patent. On information and belief,  
15 WinWay has also continued to sell W-pin and induce end users and other to use the W-pin in the  
16 customary and intended manner that infringes the '361 Patent.

17 74. **Induced Infringement.** WinWay actively, knowingly, and intentionally has been  
18 and continues to induce infringement of the '361 Patent, literally or by the doctrine of equivalents,  
19 by selling W-pin to customers for specific use in a manner that infringes one or more claims of the  
20 '361 Patent.

21 75. **Contributory Infringement.** WinWay actively, knowingly, and intentionally has  
22 been and continues to materially contribute to its own customers' infringement of the '361 Patent,  
23 literally or by the doctrine of equivalents, by selling W-pin products, including parts, to its  
24 customers for use in their products in a manner that infringes one or more claims of the '361 Patent.  
25 Moreover, the W-pin is not a staple article of commerce suitable for substantial non-infringing use.

26 76. Exhibit J includes a chart comparing claim 1 of the '361 Patent to the W-pin. As set  
27 forth in this chart, the W-pin practices the technology claimed in the '361 Patent.  
28

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1 77. Johnstech incorporates by reference in its allegations herein the claim chart in  
2 Exhibit J.

3 78. Johnstech has been damaged by WinWay's infringement of the '361 Patent. Unless  
4 restrained and enjoined by this Court, WinWay will continue to infringe the '361 Patent resulting  
5 in substantial, continuing, and irreparable damage to Johnstech.

6 79. Johnstech is further informed, and on this basis alleges, that WinWay's infringement  
7 of '361 Patent has been and continues to be deliberate and willful, and, therefore, this is an  
8 exceptional case warranting an award of enhanced damages for up to three times the actual damages  
9 awarded and attorney's fees pursuant to 35 U.S.C. §§ 284-285. As noted above, WinWay has had  
10 knowledge of the '361 Patent or at least was willfully blind to its infringement, and yet has  
11 deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless  
12 disregard for Johnstech's patent rights. Thus, WinWay's infringing actions have been and continue  
13 to be consciously wrongful.

14 80. Johnstech has complied with the notice requirements of 35 U.S.C. § 287(a) with  
15 respect to the '361 Patent.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Johnstech demands judgment as follows:

- 18 A. That WinWay be adjudged to have infringed the '866 Patent;  
19 B. That the '866 Patent be adjudged valid and enforceable;  
20 C. That WinWay be adjudged to have infringed the '293 Patent;  
21 D. That the '293 Patent be adjudged valid and enforceable;  
22 E. That WinWay be adjudged to have infringed the '465 Patent;  
23 F. That the '465 Patent be adjudged valid and enforceable;  
24 G. That WinWay be adjudged to have infringed the '361 Patent;  
25 H. That the '361 Patent be adjudged valid and enforceable;  
26 I. An accounting of all damages not presented at trial;  
27 J. Awarding Johnstech all appropriate damages under 35 U.S.C. § 284 for WinWay's  
28 past infringement, and any continuing or future infringement of the Patents-in-Suit, up until the



1 date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements  
2 as justified under 35 U.S.C. § 284;

3 K. Declaring that WinWay’s infringement is willful and increasing the amount of  
4 damages by three times the amount assessed or found, as allowed pursuant to 35 U.S.C. § 284;

5 L. Declaring this case exceptional within the meaning of 35 U.S.C. § 285 and that  
6 Johnstech be awarded its reasonable attorneys’ fees against that it incurs in prosecuting this action;

7 M. Ordering that WinWay, its officers, and agents, servants, employees, and attorneys,  
8 and those persons in active concert or participation with them who received actual notice of the  
9 Order by personal service or otherwise, be preliminarily and permanently restrained from enjoining  
10 from further infringement of the Patents-in-Suit; and

11 N. An award of such other further relief as this Court may deem just and proper.

12 **DEMAND FOR JURY TRIAL**

13 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the Seventh Amendment  
14 to the Constitution of the United States, Johnstech hereby demands a trial by jury of all issues triable  
15 in the above action.

16  
17 Dated: July 15, 2021

FENWICK & WEST LLP

18  
19 By: Eric Ball  
Eric Ball

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21 Attorneys for Plaintiff  
JOHNSTECH INTERNATIONAL CORP.  
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ATTORNEYS AT LAW