

1 Juanita Brooks (CA#75934 / brooks@fr.com)
FISH & RICHARDSON P.C.
2 12390 El Camino Real
San Diego, CA 92130
3 Telephone: (858) 678-5070
Facsimile: (858) 678-5099
4

Michael J. Kane (Admitted *pro hac vice* / kane@fr.com)
5 William R. Woodford (Admitted *pro hac vice* / woodford@fr.com)
Michael J. Pape (Admitted *pro hac vice* / pape@fr.com)
6 FISH & RICHARDSON P.C.
60 South Sixth Street
7 Minneapolis, MN 55402
Telephone: (612) 335-5070
8 Facsimile: (612) 288-9696

9 Limin Zheng (CA #226875 / zheng@fr.com)
FISH & RICHARDSON P.C.
10 500 Arguello Street, Suite 500
Redwood City, CA 94063
11 Telephone: (650) 839-5070
Facsimile: (650) 839-5071
12

Attorneys for Plaintiff
13 HALO ELECTRONICS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (SAN JOSE DIVISION)

17 HALO ELECTRONICS, INC.,

18 Plaintiff,

19 v.

20 BEL FUSE INC., E & E MAGNETIC
21 PRODUCTS LIMITED, ELEC & ELTEK (USA)
CORPORATION, WURTH ELECTRONICS
22 MIDCOM, INC., WURTH ELEKTRONIK
23 GMBH & CO. KG, and XFMRS, INC.,

24 Defendants,

Civil Case No. 07-6222 RMW

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff, Halo Electronics, Inc. files this First Amended Complaint and demand for jury trial
2 seeking relief for patent infringement by the Defendants. Halo Electronics, Inc. states and alleges
3 the following:

4 **JURISDICTION AND VENUE**

5 1. This is an action for patent infringement arising under the patent laws of the United
6 States, 35 U.S.C. §§ 100 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C.
7 §§ 1331 and 1338(a).

8 2. This Court has personal jurisdiction over each of the Defendants because each
9 Defendant has substantial and continuous contacts within this judicial district and/or because each
10 Defendant has committed acts of patent infringement within this judicial district, including placing
11 infringing products into the stream of commerce under circumstances such that each Defendant
12 reasonably should have anticipated being subject to suit in this judicial district. The Court also has
13 personal jurisdiction over each of the Defendants because the acts of patent infringement are aimed
14 at this judicial district and/or have effect in this judicial district.

15 3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and
16 1400(b).

17 **INTRADISTRICT ASSIGNMENT**

18 4. Pursuant to Civ. L.R. 3-2(c), this matter is assignable on a district-wide basis.

19 **THE PARTIES**

20 5. Plaintiff Halo Electronics, Inc. (“Halo”) is a corporation organized and existing
21 under the laws of the state of Nevada. Halo’s headquarters is located at 3005 East Post Road Front,
22 Las Vegas, Nevada. Halo maintains a place of business at 1861 Landings Drive, Mountain View,
23 California.

24 6. Defendant Bel Fuse Inc. (“Bel Fuse”) is a corporation organized and existing under
25 the laws of the state of Delaware, with its principal place of business located at 206 Van Vorst
26 Street, Jersey City, New Jersey 07302.

27 7. Defendant E & E Magnetic Products Limited (“EEMPL”) is a corporation organized
28 and existing under the laws of the Hong Kong Special Administrative Region of the People’s

1 Republic of China, with sales offices for the infringing products in the United States, including sales
2 offices located at 25255 Cabot Road, Suite 201, Laguna Hills, CA 92653; 28241 Crown Valley
3 Pkwy, Suite F F430, Laguna Niguel, CA 92677; and/or 5201 Great America Pkwy, Suite 355, Santa
4 Clara, CA 95054.

5 8. Defendant Elec & Eltek (USA) Corporation (“E&E (USA)”) is a corporation
6 organized and existing under the laws of the state of California, with its principal place of business
7 at 25255 Cabot Road, Suite 201, Laguna Hills, CA 92653, and/or 5201 Great America Pkwy, Suite
8 355, Santa Clara, CA 95054. Upon information and belief, E&E (USA) does business as EEMPL.

9 9. Defendant Wurth Electronics Midcom, Inc. (“Midcom”) is a corporation organized
10 and existing under the laws of the state of South Dakota, with its principal place of business located
11 at 121 Airport Drive, Watertown, SD 57201.

12 10. Defendant Wurth Elektronik GmbH & Co. KG (“Wurth GmbH”) is company
13 organized and existing under the laws of Germany, with sales offices for the infringing products in
14 the United States, including sales offices located at 121 Airport Drive, Watertown, SD 57201 and/or
15 1629 South Main Street Suite A, Milpitas, CA 95035.

16 11. Defendant XFMRS, Inc. (“XFMRS”) is a corporation organized and existing under
17 the laws of the state of Indiana, with its principal place of business at 7570 E. Landersdale Road,
18 Camby, Indiana 46113.

19 **COUNT I**

20 **(PATENT INFRINGEMENT)**

21 12. Halo restates and realleges the preceding paragraphs of this Complaint.

22 13. On August 12, 1997, United States Patent No. 5,656,985 (“the ‘985 patent”) entitled
23 “Electronic Surface Mount Package” was duly and legally issued by the United States Patent and
24 Trademark Office. Halo owns the ‘985 patent by assignment. A true and correct copy of the ‘985
25 patent is attached as Exhibit A.

26 14. On October 2, 2001, United States Patent No. 6,297,720 (“the ‘720 patent”) entitled
27 “Electronic Surface Mount Package” was duly and legally issued by the United States Patent and
28

1 Trademark Office. Halo owns the ‘720 patent by assignment. A true and correct copy of the ‘720
2 patent is attached as Exhibit B.

3 15. On October 2, 2001, United States Patent No. 6,297,721 (“the ‘721 patent”) entitled
4 “Electronic Surface Mount Package” was duly and legally issued by the United States Patent and
5 Trademark Office. Halo owns the ‘721 patent by assignment. A true and correct copy of the ‘721
6 patent is attached as Exhibit C.

7 16. On February 5, 2002, United States Patent No. 6,344,785 (“the ‘785 patent”) entitled
8 “Electronic Surface Mount Package” was duly and legally issued by the United States Patent and
9 Trademark Office. Halo owns the ‘785 patent by assignment. A true and correct copy of the ‘785
10 patent is attached as Exhibit D.

11 17. On December 16, 2003, United States Patent No. 6,662,431 (“the ‘431 patent”)
12 entitled “Electronic Surface Mount Package” was duly and legally issued by the United States
13 Patent and Trademark Office. Halo owns the ‘431 patent by assignment. A true and correct copy
14 of the ‘431 patent is attached as Exhibit E.

15 18. Defendant Bel Fuse has been and is infringing, actively inducing others to infringe,
16 and/or contributing to the infringement of the ‘985, ‘720, ‘721, ‘785, and ‘431 patents by making,
17 using, selling, and/or offering to sell surface-mount transformers embodying the patented inventions
18 and/or devices that have or contain an electronic surface-mount package embodying the patented
19 inventions, including, but not limited to, part number S558-5500-12-F.

20 19. Bel Fuse was given notice of the ‘985, ‘720, ‘721, and ‘785 patents by Halo at least
21 as early as July 2002.

22 20. Bel Fuse has been and is infringing the ‘985, ‘720, ‘721, ‘785 patents with
23 knowledge of one or more of the patents, and thus Bel Fuse’s infringement is willful.

24 21. Defendant XFMRS has been and is infringing, actively inducing others to infringe,
25 and/or contributing to the infringement of the ‘985, ‘720, ‘721, ‘785, and ‘431 patents by making,
26 using, selling, and/or offering to sell surface-mount transformers embodying the patented inventions
27 and/or devices that have or contain an electronic surface-mount package embodying the patented
28 inventions, including, but not limited to, part number XF0013B4.

1 22. XFMRs was given notice of the '985, '720, '721, and '785 patents by Halo at least
2 as early as July 2002.

3 23. XFMRs has been and is infringing the '985, '720, '721, '785 patents with
4 knowledge of one or more of the patents, and thus XFMRs's infringement is willful.

5 24. Defendant Midcom has been and is infringing, actively inducing others to infringe,
6 and/or contributing to the infringement of the '985, '720, '721, '785, and '431 patents by making,
7 using, selling, and/or offering to sell surface-mount transformers embodying the patented inventions
8 and/or devices that have or contain an electronic surface-mount package embodying the patented
9 inventions, including, but not limited to, part number EDFP-G48.

10 25. Midcom, Inc., predecessor to Defendant Wurth Electronics Midcom, Inc., was given
11 notice of the '985, '720, '721, and '785 patents by Halo at least as early as July 2002.

12 26. Midcom has been and is infringing the '985, '720, '721, '785 patents with
13 knowledge of one or more of the patents, and thus Midcom's infringement is willful.

14 27. Defendant Wurth GmbH has been and is infringing, actively inducing others to
15 infringe, and/or contributing to the infringement of the '985, '720, '721, '785, and '431 patents by
16 making, using, selling, and/or offering to sell surface-mount transformers embodying the patented
17 inventions and/or devices that have or contain an electronic surface-mount package embodying the
18 patented inventions, including, but not limited to, part numbers 749023015 and 749023016.

19 28. Upon information and belief, Wurth GmbH had knowledge of one or more of the
20 '985, '720, '721, '785, and '431 patents before December 7, 2007, the date of the original
21 Complaint.

22 29. Defendant EEMPL has been and is infringing, actively inducing others to infringe,
23 and/or contributing to the infringement of the '985, '720, '721, '785, and '431 patents by making,
24 using, selling, and/or offering to sell surface-mount transformers embodying the patented inventions
25 and/or devices that have or contain an electronic surface-mount package embodying the patented
26 inventions, including, but not limited to, part numbers 824-00119 and 824-00115.

27 30. Upon information and belief, EEMPL had knowledge of one or more of the '985,
28 '720, '721, '785, and '431 patents before December 7, 2007, the date of the original Complaint.

1 31. Upon information and belief, EEMPL has been and is infringing the ‘985, ‘720,
2 ‘721, ‘785, and ‘431 patents with knowledge of one or more of the patents, and thus EEMPL’s
3 infringement is willful.

4 32. Defendant E&E (USA) has been and is infringing, actively inducing others to
5 infringe, and/or contributing to the infringement of the ‘985, ‘720, ‘721, ‘785, and ‘431 patents by
6 making, using, selling, and/or offering to sell surface-mount transformers embodying the patented
7 inventions and/or devices that have or contain an electronic surface-mount package embodying the
8 patented inventions, including, but not limited to, part number 824-00119.

9 33. Upon information and belief, E&E (USA) had knowledge of one or more of the
10 ‘985, ‘720, ‘721, ‘785, and ‘431 patents before December 7, 2007, the date of the original
11 Complaint.

12 34. Upon information and belief, E&E (USA) has been and is infringing the ‘985, ‘720,
13 ‘721, ‘785, and ‘431 patents with knowledge of one or more of the patents, and thus E&E (USA)’s
14 infringement is willful.

15 35. Upon information and belief, Defendants will continue to infringe the ‘985, ‘720,
16 ‘721, ‘785, and ‘431 patents unless and until they are enjoined by this Court.

17 36. The Defendants have caused and will continue to cause Halo irreparable injury and
18 damage by infringing the ‘985, ‘720, ‘721, ‘785, and ‘431 patents. Halo will suffer further
19 irreparable injury, for which it has no adequate remedy at law, unless and until the Defendants are
20 enjoined from infringing the ‘985, ‘720, ‘721, ‘785, and ‘431 patents.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Halo respectfully requests that this Court:

23 (1) Enter judgment that Defendants have infringed the ‘985, ‘720, ‘721, ‘785, and ‘431
24 patents;

25 (2) Enter an order permanently enjoining Defendants and their officers, agents,
26 employees, attorneys, and all persons in active concert or participation with any of them, from
27 infringing the ‘985, ‘720, ‘721, ‘785, and ‘431 patents;

28

1 (3) Award Halo damages in an amount sufficient to compensate it for Defendants'
2 infringement of the '985, '720, '721, '785, and '431 patents, together with prejudgment and post-
3 judgment interest and costs under 35 U.S.C. § 284;

4 (4) Treble the damages awarded to Halo under 35 U.S.C. § 284 by reason of
5 Defendants' willful infringement of the '985, '720, '721, '785, and '431 patents;

6 (5) Declare this case to be "exceptional" under 35 U.S.C. § 285 and award Halo its
7 attorney fees, expenses, and costs incurred in this action; and

8 (6) Award Halo such other and further relief as this Court deems just and proper.

9
10 **DEMAND FOR JURY TRIAL**

11 Halo demands a jury trial on all issues so triable.

12
13 Dated: February 12, 2010

FISH & RICHARDSON P.C.

14
15
16 By: */s/ Limin Zheng*

17 Limin Zheng
18 Attorneys for Plaintiff Halo Electronics, Inc.