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10 Attorneys for Plaintiff
ISOLA USA CORPORATION

11 UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA
13

14 Isola USA Corporation,
15 Plaintiff,
16 v.

17 Park Electrochemical Corporation;
Nelco Products, Inc.; Neltec, Inc.
18 Defendants.
19

CASE NO. 2:12-cv-01359-ROS

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT;
JURY TRIAL DEMANDED**

1 Plaintiff Isola USA Corporation (“Isola”), by and through its undersigned
2 attorneys, complains and alleges against Defendants Park Electrochemical Corporation
3 (“Park”), Nelco Products, Inc. (“Nelco”), and Neltec, Inc. (“Neltec”) (Park, Nelco, and
4 Neltec are individually and collectively referred to herein as “Defendant” or
5 “Defendants”) as follows:

6 **NATURE OF THE ACTION**

7 1. This is a civil action for infringement of United States Patent No. 6,509,414,
8 United States Patent No. 7,897,258, and United States Patent No. 8,022,140. This action
9 arises under the laws of the United States relating to patents, including 35 U.S.C. § 271.

10 **JURISDICTION AND VENUE**

11 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
12 1338(a), and pursuant to the patent laws of the United States of America, 35 U.S.C. § 101
13 et seq.

14 3. Venue properly lies within the District of Arizona pursuant to the provisions
15 of 28 U.S.C. §§ 1391(b), (c), and (d), and 1400(b). On information and belief, each
16 Defendant conducts business directly and/or through third parties or agents in this judicial
17 district by at least selling and/or offering to sell and/or importing the accused infringing
18 products, including prepregs and laminates, and/or by conducting other business in this
19 judicial district. Furthermore, Isola has its principal place of business in this district, and
20 has been harmed by Defendants’ conduct, business transactions and infringing sales in
21 this district. In addition, on information and belief, Defendant Neltec has its principal
22 place of business in this district.

23 4. This Court has personal jurisdiction over each Defendant because, on
24 information and belief, each Defendant transacts continuous and systematic business
25 within the District of Arizona. In addition, this Court has personal jurisdiction over each
26 Defendant because, on information and belief, this lawsuit arises out of Defendants’
27 infringing activities including, without limitation, Defendants’ selling and/or offering to
28 sell infringing products in the District of Arizona, and/or importing infringing products

1 into the District of Arizona. Furthermore, Isola has its principal place of business in this
2 district, and has been harmed by Defendants' conduct, business transactions and
3 infringing sales in this district. Finally, this Court has personal jurisdiction over
4 Defendants because, on information and belief, Defendants have made, used, sold, offered
5 for sale and/or imported its infringing products and placed such infringing products in the
6 stream of interstate commerce with the expectation that such infringing products would be
7 made, used, sold and/or offered for sale within the District of Arizona.

8 **THE PARTIES**

9 5. Isola is a corporation organized and existing under the laws of the State of
10 Delaware, having its principal place of business at 3100 West Ray Road, Suite 301,
11 Chandler, Arizona 85226.

12 6. The Isola family of companies was founded in 1912 in Germany. Isola's
13 global headquarters is located in Chandler, Arizona, which is also the site of Isola's U.S.
14 research and development facility. Since the mid 1950's, Isola and its predecessor
15 companies have been manufacturing prepregs and laminates used in the fabrication of
16 circuit boards.

17 7. On information and belief, Defendant Park is a corporation organized and
18 existing under the laws of New York, having its principal place of business at 48 S.
19 Service Road, Suite 300, Melville, New York 11747.

20 8. On information and belief, Defendant Nelco is a corporation organized and
21 existing under the laws of Delaware, having its principal place of business at 1411 E.
22 Orangethorpe Ave., Fullerton, California 92631.

23 9. On information and belief, Defendant Neltec is a corporation organized and
24 existing under the laws of Delaware, having its principal place of business at 1420 W.
25 12th Place, Tempe Arizona 85281.

26 **THE ASSERTED PATENTS**

27 10. On January 21, 2003, United States Patent No. 6,509,414 ("the '414
28 patent"), titled "Epoxy Resin, Styrene-Maleic Anhydride Copolymer and Co-Crosslinking

1 Agent,” was duly and legally issued. A true and correct copy of the '414 patent is attached
2 hereto as **Exhibit 1**.

3 11. On March 1, 2011, United States Patent No. 7,897,258 (“the '258 patent”),
4 titled “Laminate Made From Epoxy Resin, Styrene-Maleic Anhydride Copolymer and
5 Crosslinkers,” was duly and legally issued. A true and correct copy of the '258 patent is
6 attached hereto as **Exhibit 2**.

7 12. On September 20, 2011, United States Patent No. 8,022,140 (“the '140
8 patent”), titled “Epoxy Resin, Styrene-Maleic Anhydride Copolymer and Crosslinking
9 Agent,” was duly and legally issued. A true and correct copy of the '140 patent is attached
10 hereto as **Exhibit 3**.

11 13. Isola is the assignee and the owner of all rights, title and interest in and to
12 the '414 patent, the '258 patent, and the '140 patent. Accordingly, Isola has the right to
13 bring this suit for damages and other (including injunctive) relief.

14 **BACKGROUND**

15 14. Multilayer printed circuit boards (“PCB”) serve as key building blocks for
16 interconnecting and packaging many different electronic systems, allowing different
17 circuits to “talk” to one another. PCBs have replaced the masses of wires and tubes that
18 were once used, for example, in early radios. Examples of the end uses of PCBs include
19 high speed routers and servers, laptop computers, and cellular telephones, among other
20 electronic products. Each PCB is a unique design in terms of layers, circuits, and
21 construction.

22 15. PCBs are based on copper-clad laminates, which in turn are formed from
23 prepregs. Prepregs are chemically and electrically engineered thermosetting or
24 thermoplastic resin-based material systems that are formed from a resin impregnated into
25 and reinforced by a specially manufactured fiberglass cloth product or other woven or
26 non-woven reinforcing fiber. A typical copper-clad laminate consist of one or more plies
27 of prepreg laminated together with specialty copper foil laminated on the top and bottom.
28 Both laminates and prepregs are sold to and used by PCB fabricators to construct PCBs.

1 contributorily infringed and continue to contributorily infringe, the '414 patent under 35
2 U.S.C. § 271(c), by offering to sell and/or selling within the United States and/or
3 importing into the United States one or more components of a product covered by the '414
4 patent that constitutes a material part of the invention, which is not a staple article or
5 commodity of commerce suitable for substantial noninfringing use. On information and
6 belief, Defendants know that their products are made or especially adapted for use in
7 infringing the '414 patent.

8 23. On information and belief, Defendants had actual notice of the '414 patent
9 before the filing of this complaint, but no later than approximately February 25, 2003. On
10 information and belief, Defendants have nevertheless directly and indirectly infringed the
11 '414 patent, despite an objectively high likelihood that their actions constitute
12 infringement of the '414 patent. Accordingly, on information and belief, Defendants'
13 infringement has been and continues to be willful.

14 24. As a result of the infringement of the '414 patent by Defendants, Isola has
15 suffered and will continue to suffer damages in an amount to be proven at trial.

16 25. Isola has been irreparably harmed by these acts of infringement and will
17 continue to be harmed unless Defendants' further acts of infringement are restrained and
18 enjoined by order of this Court. Isola has no adequate remedy at law.

19 COUNT TWO

20 Infringement of the '258 Patent by Defendants Park, Nelco, and Neltec

21 26. Isola incorporates by reference each of the allegations set forth in
22 paragraphs 1-18 above.

23 27. On information and belief, Defendants, without authority, have directly
24 infringed and continues to directly infringe, under 35 U.S.C. § 271(a), the '258 patent at
25 least by making, importing, selling, offering for sale and/or using within the United States
26 the infringing products, including but not limited to laminates such as the N4000-13
27 product product. On information and belief, and, by way of example only and not
28 limitation, the N4000-13 product product practices each limitation of at least claim 1 of

1 the '258 patent.

2 28. On information and belief, Defendants, without authority, have actively
3 induced and continue to actively induce infringement of one or more claims of the '258
4 patent under 35 U.S.C. § 271(b), by among other things, instructing or otherwise
5 encouraging others to manufacture, import, use, sell and/or offer to sell products within
6 the United States that infringe one or more claims of the '258 patent.

7 29. On information and belief, Defendants, without authority, have
8 contributorily infringed and continues to contributorily infringe, the '258 patent under 35
9 U.S.C. § 271(c), by offering to sell and/or selling within the United States and/or
10 importing into the United States one or more components of a product covered by the '258
11 patent that constitutes a material part of the invention, which is not a staple article or
12 commodity of commerce suitable for substantial noninfringing use. On information and
13 belief, Defendants know that their products are made or especially adapted for use in
14 infringing the '258 patent.

15 30. As a result of the infringement of the '258 patent by Defendants, Isola has
16 suffered and will continue to suffer damages in an amount to be proven at trial.

17 31. Isola has been irreparably harmed by these acts of infringement and will
18 continue to be harmed unless Defendants' further acts of infringement are restrained and
19 enjoined by order of this Court. Isola has no adequate remedy at law.

20 **COUNT THREE**

21 **Infringement of the '140 Patent by Defendants Park, Nelco, and Neltec**

22 32. Isola incorporates by reference each of the allegations set forth in
23 paragraphs 1-18 above.

24 33. On information and belief, Defendants, without authority, have directly
25 infringed and continues to directly infringe, under 35 U.S.C. § 271(a), the '140 patent at
26 least by making, importing, selling, offering for sale and/or using within the United States
27 the infringing products, including but not limited to laminates such as the N4000-13
28 product product. On information and belief, and, by way of example only and not

1 limitation, the N4000-13 product product practices each limitation of at least claim 1 of
2 the '140 patent.

3 34. On information and belief, Defendants, without authority, have actively
4 induced and continue to actively induce infringement of one or more claims of the '140
5 patent under 35 U.S.C. § 271(b), by among other things, instructing or otherwise
6 encouraging others to manufacture, import, use, sell and/or offer to sell products within
7 the United States that infringe one or more claims of the '140 patent.

8 35. On information and belief, Defendants, without authority, have
9 contributorily infringed and continues to contributorily infringe, the '140 patent under 35
10 U.S.C. § 271(c), by offering to sell and/or selling within the United States and/or
11 importing into the United States one or more components of a product covered by the '140
12 patent that constitutes a material part of the invention, which is not a staple article or
13 commodity of commerce suitable for substantial noninfringing use. On information and
14 belief, Defendants know that their products are made or especially adapted for use in
15 infringing the '140 patent.

16 36. As a result of the infringement of the '140 patent by Defendants, Isola has
17 suffered and will continue to suffer damages in an amount to be proven at trial.

18 37. Isola has been irreparably harmed by these acts of infringement and will
19 continue to be harmed unless Defendants' further acts of infringement are restrained and
20 enjoined by order of this Court. Isola has no adequate remedy at law.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Isola prays for judgment as follows:

23 1. That Isola be adjudged the owner of the '414 patent and entitled to all rights
24 of recovery thereunder, and that the '414 patent is valid and enforceable;

25 2. That Isola be adjudged the owner of the '258 patent and entitled to all rights
26 of recovery thereunder, and that the '258 patent is valid and enforceable;

27 3. That Isola be adjudged the owner of the '140 patent and entitled to all rights
28 of recovery thereunder, and that the '140 patent is valid and enforceable;

1 4. That each Defendant be adjudged to have directly infringed, induced
2 infringement and/or contributed to infringement of the '414 patent, the '258 patent, and the
3 '140 patent;

4 4. That Defendants and their officers, principals, agents, attorneys, servants,
5 employees and all others in active concert or participation with Defendants, and their
6 successors and assigns, be enjoined by preliminary and permanent injunction from
7 infringement, inducement of infringement, and contributory infringement of the '414
8 patent, the '258 patent, and the '140 patent, including but not limited to making, using,
9 importing, offering to sell and selling the infringing products;

10 5. That Isola be awarded damages under 35 U.S.C. § 284, adequate to
11 compensate it for Defendants' infringement of the '414 patent, the '258 patent, and the
12 '140 patent, in an amount to be proven at trial, together with interest and costs as fixed by
13 the Court;

14 6. That Defendants' infringement is willful, and that Isola is entitled to treble
15 or enhanced damages pursuant to 35 U.S.C. § 284.

16 7. That this case be declared an exceptional case within the meaning of 35
17 U.S.C. § 285 and that Isola be awarded the attorneys' fees, costs and expenses that it
18 incurs prosecuting this action;

19 8. That Isola be awarded prejudgment interest; and

20 9. For such other and further equitable relief as the Court deems proper.

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DEMAND FOR JURY TRIAL

Isola demands a trial by jury for all issues so triable pursuant to Federal Rule of Civil Procedure 38(b).

Dated: August 14, 2012

DLA PIPER LLP (US)

By s/ Richard Mulloy
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