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7 PULSE ELECTRONICS, INC.

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12
13 PULSE ELECTRONICS, INC., a
Delaware corporation.

14 Plaintiff,

15 v.

16 U.D. Electronic Corp., a Taiwan
corporation,

17 Defendants.
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CASE NO. '20CV1676 AJB AHG

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 This is an action for patent infringement in which Plaintiff Pulse Electronics,
2 Inc. (“Pulse” or “Plaintiff”) makes the following allegations against Defendant U.D.
3 Electronic Corp. (“UDE” or “Defendant”) as follows:

4 **THE PARTIES**

5 1. Pulse is a corporation organized and existing under the laws of the
6 state of Delaware and maintains its principal place of business at 15255 Innovation
7 Drive, Suite #100, San Diego, California, 92128.

8 2. On information and belief, UDE is a corporation organized and
9 existing under the laws of Taiwan and maintains its principal place of business at
10 No. 13, Ln. 68, Neixi Rd., Luzhu Dist. Taoyuan City 33852, Taiwan.

11 3. On information and belief, UDE maintains an office at 2430 Camino
12 Ramon, Suite 355 San Ramon, CA 94583-4212.

13 4. On information and belief, UDE does not have any affiliates or
14 subsidiary companies within the United States.

15 **JURISDICTION AND VENUE**

16 5. This action arises under the patent laws of the United States, 35 U.S.C.
17 §§ 1, *et seq.*, including §§ 271 and 281.

18 6. This Court has original and exclusive subject matter jurisdiction over
19 the matters pleaded herein pursuant to 28 U.S.C. §§1331 and 1338(a).

20 7. On information and belief, this Court has personal jurisdiction over
21 Defendant because Defendant has purposely directed contacts with and within
22 California and this judicial district, purposely avails itself of the privilege of
23 conducting activities within California and this judicial district, has continuous and
24 systematic contacts with and within California and this judicial district, transacts
25 substantial business, including generally and specifically in relation to the causes of
26 action and acts of infringement alleged herein, either directly or through agents, on
27 an ongoing basis in California and this judicial district.

28 8. On information and belief, Defendant sells its products directly into

1 the United States and this judicial district directly and/or through one or more
2 distributors or other channels.

3 9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
4 1400(b) and 1391.

5 **BACKGROUND**

6 10. Founded in 1947, and present within San Diego County for at least 50
7 years, Pulse is a worldwide leader in electronic component design and
8 manufacturing, including in the design and manufacture of RJ-45 Integrated
9 Connector Modules (“ICM”). Pulse’s engineering design centers and manufacturing
10 facilities supply products to a broad international customer base.

11 11. An RJ-45 ICM is an electrical connector commonly used for Ethernet
12 networking. It looks generally similar to a telephone jack, and may be embodied as
13 either a single port (receptacle) or multi-port device. For example:



23 12. As a testament to Pulse’s innovation, it has been issued more than 100
24 United States and international patents dealing generally with RJ-45 ICM
25 technology.

26 13. Upon information and belief, Defendant (founded in 2005) is a
27 manufacturer and supplier data communications equipment, including RJ-45 ICMs.
28

THE '302 PATENT

1
2 14. Pulse owns all right, title, and interest in U.S. Patent No. 6,773,302
3 (the “’302 Patent”).

4 15. The ’302 Patent, entitled “Advanced Microelectronic Connector
5 Assembly and Method of Manufacturing” was duly and legally issued by the
6 United States Patent and Trademark Office on August 10, 2004 after a full and fair
7 examination. A copy of the ’302 Patent is attached hereto as Exhibit A.

8 16. The ’302 Patent was first asserted against UDE on February 16, 2018
9 in Case No. 3:18-CV-00373 (the “00373 case”) in the Southern District of
10 California with three other patents (U.S. Patent No. 7,959,473, U.S. Patent No.
11 9,178,318, and U.S. Patent No. 6,593,840). UDE filed *inter partes reviews* against
12 all four patents in the previous suit, and the case was stayed. Of the four patents in
13 the previous suit, only the ’302 was granted institution in IPR2019-00511, and the
14 Court lifted the stay and set a “Status Conference regarding Dismissal ‘without
15 prejudice’ of the ’302 Patent” on November 22, 2019. Case No. 3:18-CV-00373 at
16 Dkt. 52. UDE and Pulse filed a Joint Stipulation to Dismiss the ’302 Patent on
17 February 12, 2020, and the Court Ordered the dismissal of the ’302 Patent “without
18 prejudice” on February 18, 2020. Case No. 3:18-CV-00373 at Dkts. 68 & 72.

19 17. The Patent Trial and Appeal Board (the “PTAB”) issued a Final
20 Written Decision in IPR2019-00511 on July 22, 2020, which cancelled all original
21 claims of the ’302 Patent and granted substitute claims 18, 19, 22, and 23. A copy
22 of the PTAB’s Final Written Decision of the ’302 Patent is attached hereto as
23 Exhibit B.

24 18. The Final Written Decision in IPR2019-00511 is currently being
25 appealed by both parties at the United States Court of Appeal for the Federal
26 Circuit (the “CAFC”) with Lead Case No. 2020-02129 and Cross-Appeal Case No.
27 2020-2177. Given the statistics at the CAFC and in the interests of justice, this
28 lawsuit should not be stayed during the pendency of the appeal.

1 19. The '302 Patent is valid and enforceable.

2 20. Pulse is in compliance with the marking requirements under 35 U.S.C.
3 § 287 for the '302 Patent.

4 **UDE'S INFRINGING ACTIVITY**

5 21. On information and belief, Defendant makes, uses, offers to sell, sells
6 and/or imports into the United States products that infringe the '302 Patent,
7 including, but not limited to, the following: (i) 1G multi-port ICM products,
8 including, but not limited to, M1, M4, M6, MC, N1, N6, N8, RM, and RN series
9 1G devices; (ii) "Multi-Gigabyte" (e.g., 2.5G/5G) single-port and multi-port ICM
10 products, including, but not limited to, GM2, GM4, and GM6 series 2.5G devices
11 (collectively, the "Accused Products").

12 22. In addition to Defendant's making, using, offering to sell, selling,
13 and/or importing into the United States the Accused Products, upon information
14 and belief, the Accused Products underwent an extensive sales cycle that involved
15 Defendant's substantial U.S.-based use of the Accused Devices, including (a)
16 providing samples and/or prototypes of the Accused Products to potential
17 customers for evaluation, (b) securing "design wins" with potential customers
18 resulting in orders of large volumes of sales of the Accused Products (and
19 associated revenue and profit), and (c) negotiating and entering into sales contracts
20 involving the Accused Products. But for this U.S.-based infringing activity by
21 Defendant, such design wins would not have been achieved, and Defendant would
22 not have benefited from the resulting sales and associated revenue and profit.

23 23. On February 19, 2016, the Global Marketing Director of UDE, Greg
24 Loudermilk, sent an email to Pulse stating UDE "hired Sunky [Shang] away from
25 Pulse" and that "Sunky is extremely instrumental in the activities within the
26 factory." A copy of this email is attached hereto as Exhibit L.

27 24. On February 24, 2016, the Global Marketing Director of UDE, Greg
28 Loudermilk, sent an email to Pulse stating, *inter alia*: "UDE has no problem to
COMPLAINT FOR PATENT INFRINGEMENT

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