

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

HUTCHINSON TECHNOLOGY
INCORPORATED,

Plaintiff,

v.

SUNCALL CORPORATION,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Hutchinson Technology Incorporated for its Complaint against Suncall Corporation alleges as follows:

THE PARTIES

1. Hutchinson Technology Incorporated (“HTI”) is a Minnesota corporation with its principal place of business at 40 West Highland Park Dr. NE, Hutchinson, Minnesota 55350.

2. Suncall Corporation (“Suncall”) is a Japanese corporation with its principal place of business located on 14, Umezunishiura-cho, Ukyo-ku, Kyoto 615-8555, Japan.

NATURE AND BASIS OF ACTION

3. This is an action by HTI against Suncall for infringement of United States Patent Nos. 6,856,487; 7,342,750; 7,542,241; 8,228,638; 8,320,083; 8,498,082; 8,717,712; 8,867,173; 9,025,285; 9,111,556; 9,245,555; 9,431,042; 9,524,739; 9,870,792; 10,002,629; and 10,916,265 (the “Asserted Patents”).

4. This action arises out of Suncall’s acts of direct and indirect infringement of the Asserted Patents by making, using, offering to sell, and/or selling within the United States and/or importing into the United States certain suspension assemblies for hard disk drives (HDDs) that

infringe the Asserted Patents, and/or Suncall's acts of actively inducing infringement or contributing to infringement of the Asserted Patents.

JURISDICTION AND VENUE

5. This Action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Suncall under the United States Constitution, applicable state and federal law and, in particular, Minnesota's long-arm statute (MINN. STAT. § 543.19) because Suncall has committed acts outside Minnesota causing injury to HTI in Minnesota, including the acts of infringement set forth more fully below. HTI is a Minnesota corporation and Minnesota has a substantial interest in providing a forum for HTI's claims.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(c)(3) because defendant Suncall is a Japanese corporation.

BACKGROUND

8. HTI was founded in 1965 and specializes in high-volume manufacturing of precision electromechanical components and assemblies. HTI is a key worldwide supplier of suspension assemblies for hard disk drives (HDDs). Suspension assemblies precisely position the recording head above the disk and provide the electrical connection from the recording head to the disk drive's circuitry. Suspension assemblies are a critical and necessary component for every HDD. HTI has invested millions of dollars on research and development to support its HDD suspension assembly business.

9. HDD component suppliers are well known to each other due to the limited number of competitors and customers in the global market. For example, Suncall is one of only two

manufacturers (other than HTI and its affiliates) that make and sell suspension assemblies for one or more of three global HDD manufacturers: Western Digital Corporation, Toshiba Corporation, and Seagate Technologies.

10. Suncall manufactures, offers to sell, and sells suspension assemblies to Western Digital Corporation with knowledge that those products are imported into, offered for sale, sold, and used throughout the United States, including specifically in Minnesota.

11. Suncall also previously held a license from HTI to certain U.S. patents for use in Single-Stage Actuated (SSA) HDD suspensions assemblies, predecessor technology to the suspension assemblies at issue in this Complaint.

12. Several other HTI patents relating to HDD suspension assemblies that are not at issue in this Complaint were also cited during prosecution of certain Suncall patent applications.

13. HTI provided written notice to Suncall regarding Suncall's infringement of the Asserted Patents prior to the filing of this Complaint.

14. For at least these reasons, Suncall has actual or constructive knowledge of the Asserted Patents and Suncall's infringement thereof.

Suncall's Acts of Infringement

15. Suncall is in the business of manufacturing suspension assemblies for HDDs, but upon information and belief, Suncall does not devote resources in any significant amount to research and development in support of that business.

16. Suncall manufactures at least two types of HDD suspension assemblies that infringe one or more of the Asserted Patents.

17. One type of infringing Suncall suspension assemblies (the "DSA Accused Products") are manufactured for use and are used in Dual-Stage Actuated (DSA) HDDs, including but not limited to, the following Western Digital (WD) and HGST (a WD subsidiary) HDD product

models: WD100PURZ-85W86Y0; WD82PURZ; WD20EZAZ; WD80EDAZ; HUH721010ALAE600; WD121PURZ; HUH721212AL4200; and 0F27352 Ultrastar HE10 3.5" 26.1mm.

18. Another type of infringing Suncall suspension assemblies (the "TSA Accused Products") are manufactured for use and are used in Triple-Stage Actuated (TSA) HDDs, including but not limited to, the following Western Digital (WD) HDD product models: WD181KRYZ and WD180PURZ.

19. Upon information and belief, Suncall "makes, uses, offers to sell, or sells" DSA Accused Products and TSA Accused Products "within the United States or imports [them] into the United States," and Suncall has knowledge that such acts constitute direct infringement of one or more claims of the Asserted Patents.

20. Western Digital Corporation imports (or causes to be imported) into the United States, and uses, offers to sell, and/or sells within the United States including in Minnesota, HDDs incorporating Suncall's DSA Accused Products and TSA Accused Products.

21. Suncall has actual knowledge or reasonably should have known given its relationship to Western Digital Corporation and the nature of the HDD markets that Western Digital HDDs incorporating Suncall's DSA Accused Products and TSA Accused Products are imported into the United States and into Minnesota, and used, offered for sale, and/or sold within the United States, and that such acts constitute direct infringement of one or more claims of the Asserted Patents.

22. Upon information and belief, Suncall actively induces Western Digital Corporation and potentially others to directly infringe one or more claims of the Asserted Patents by manufacturing and selling the infringing DSA Accused Products and TSA Accused Products for

use in HDDs that Suncall knows or should know (i) infringe the Asserted Patents and (ii) will be imported into the United States and into Minnesota, and used, offered for sale, and/or sold within the United States.

23. Suncall has knowledge that its offers to sell or sales of the DSA Accused Products and TSA Accused Products within the United States and in Minnesota, or importation into the United States and/or Minnesota, constitutes contributory infringement of the Asserted Patents. At minimum, Suncall's DSA Accused Products and TSA Accused Products are a material component of a patented machine, and are especially made for use in an infringement of one more claims of the Asserted Patents, and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

COUNT ONE
SUNCALL'S INFRINGEMENT OF UNITED STATES PATENT NO. 6,856,487

24. HTI repeats and realleges the allegations of Paragraphs 1-23 above as if fully set forth herein.

25. On February 15, 2005, the USPTO issued United States Patent No. 6,856,487 ("the '487 Patent"), titled "Suspension with minimized second torsion gain." A certified copy of the '487 Patent is attached hereto as Exhibit A.

26. The '487 Patent is assigned to HTI.

27. As an example, claim 1 of the '487 Patent recites "A disk drive suspension having a minimized 2nd torsion characteristic, said suspension comprising a load beam having a given side profile and centerline rotation axis and comprising a base portion, a spring portion, and a beam portion, said beam portion having a distal section supporting a flexure having a tongue, a dimple between said tongue and said load beam, and a slider carried on said tongue for gimbaling movement about said dimple, said dimple having a given height that displaces said beam portion

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