

Liza M. Walsh  
Christine I. Gannon  
Eleonore Ofosu-Antwi  
WALSH PIZZI O'REILLY FALANGA LLP  
One Riverfront Plaza  
1037 Raymond Boulevard, 6<sup>th</sup> Floor  
Newark, NJ 07102  
(973) 757-1100

*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Nitto Denko Corporation,

Plaintiff,

v.

Hutchinson Technology Incorporated,

Defendant.

Civil Action No.

*Electronically Filed*

**COMPLAINT FOR PATENT INFRINGEMENT**

Nitto Denko Corporation (“Nitto”) brings this action against Hutchinson Technology Incorporated (“HTI”) and alleges as follows:

**PARTIES**

1. Nitto Denko Corporation is a Japanese corporation with its principle place of business located at 33rd Floor, Grand Front Osaka, 4-20, Ofuka-cho, Kita-ku, Osaka 530-0011, Japan.

2. On information and belief, Defendant HTI is incorporated in the State of Minnesota with its principal place of business at 40 West Highland Park Drive NE, Hutchinson, Minnesota 55350.

## **BACKGROUND**

### **Nitto Denko Corporation's Technological Leadership**

3. Since its foundation in 1918, Nitto has conducted business globally across various industries including the electronics, automotive, housing, infrastructure, environmental, and medical sectors.

4. To remain a market leader, Nitto spends tens of millions of dollars on research and development annually. Indeed, last year alone, Nitto spent the equivalent of over \$250 million on research and development.

5. Because innovation is key to Nitto's success, Nitto is a leader in filing for, and receiving, patents on its inventions. Nitto files hundreds of patent applications a year and, annually, is issued, on average, over 1,000 patents a year. To date, Nitto owns over 10,000 patents, including over 6,500 patents in countries outside Japan, including the United States.

### **Nitto's Market-Defining Flexure Technology**

6. Nitto is the market leader in researching and developing "flexures," a key component of suspension assembly mounted on high-end hard disk drives. Generally speaking, a flexure is a flexible strip that, at one end, supports a disk drive's magnetic head for reading and writing data on a disk and, at the other end, connects to the hard drive's circuit board. The technology in the flexure is critical to a hard disk drive's performance, given the requirements that it carry high-speed data to and from the read-write head without interference, and that it position the read-write head at a precise location above a disk for reading and writing data.

7. In order to protect its technology, Nitto filed over 250 patent applications on its flexure technology in the United States alone. This has resulted, to date, in over 160 issued United States patents.

#### **Hutchinson Technology's Infringement of Nitto's Technology**

8. HTI markets disk drive components, including flexures. Indeed, HTI sometimes purchases Nitto flexures to incorporate into its suspension assemblies for its customers.

9. This lawsuit does not concern those flexures that HTI purchases from Nitto.

10. Rather, this lawsuit concerns certain flexures that HTI is producing itself. HTI is making, using and selling flexures by infringing on Nitto's patented technology. This includes Nitto's technology for:

- novel and strengthened flexure terminals for connections to magnetic heads and hard drive circuitry;
- novel wiring patterns for the wiring traces in high-density disk drive flexures for reducing impedance of wiring patterns;
- novel designs for "reference holes" in a flexure, used for more accurately positioning a magnetic head;
- a novel configuration for lead wires in a flexure for reducing an electrical signal's "blunt waveform" without increasing manufacturing cost;
- a novel flexure production method, controlling the variation in thickness at low cost; and
- a novel design of a suspension board assembly sheet with flexures, for preventing the assembly sheet from being warped in the manufacturing process.

### **JURISDICTION AND VENUE**

11. HTI designs, manufactures, uses, markets, imports into the United States, sells, and/or offers for sale in the United States suspension assemblies incorporating “flexures” for hard disk drives.

12. This action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C. § 271.

13. This Court has subject matter jurisdiction over this controversy under 28 U.S.C. §§ 1331 and 1338(a).

14. This court has personal jurisdiction over HTI because, upon information and belief, HTI does and has done substantial business in this District, including both independently and through and with third parties by placing its products, including those that infringe Nitto’s patents, into the stream of commerce, which stream is directed at the State of New Jersey and this District, with the knowledge and/or understanding that such products would be sold in the State of New Jersey and this District. These acts have caused and continue to cause injury to Nitto within this District.

15. HTI derives substantial revenue from the sale of infringing products distributed within the District, and/or expect or should reasonably expect their actions to have consequences within the District, and derive substantial revenue from interstate and international commerce. In addition, HTI has induced and continues to knowingly induce infringement within this District by contracting with others to market and sell infringing products with the knowledge and intent to facilitate infringing sales of the products by others within this District and by creating and/or disseminating instructions and other materials for the products with like mind and intent.

16. On information and belief, HTI has sufficient minimum contacts with the District that an exercise of personal jurisdiction over HTI would not offend traditional notions of fair play and substantial justice and would be appropriate under the long-arm statute of this state.

17. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and/or and 1400(b).

### **COUNT I**

#### **INFRINGEMENT OF THE '737 PATENT**

18. Nitto repeats, realleges, and incorporates by reference as if fully set forth herein each and every allegation in paragraphs 1-17 above.

19. Nitto owns United States Patent No. 6,841,737 (“the ’737 patent”), entitled “Wired circuit board,” which was duly and legally issued on January 11, 2005. A certified copy of the ’737 patent is attached as Exhibit A.

20. HTI’s infringing activities in the United States and this District include the development, manufacture, use, importation, sale, and/or offer for sale of products, including but not limited to HTI products incorporated in hard drives identified as “WD Blue 3.5 inch / 500GB (WD5000AAKX)” made by Western Digital Corporation and being sold in the United States.

21. On information and belief, HTI’s infringement has been, and continues to be, willful and deliberate, and has caused substantial damage to Nitto.

### **COUNT II**

#### **INFRINGEMENT OF THE '644 PATENT**

22. Nitto repeats, realleges, and incorporates by reference as if fully set forth herein each and every allegation in paragraphs 1- 17 above.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.