

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JUNKOSHA, INC.

Plaintiff,

v.

HEAT SHRINK INNOVATIONS, LLC

Defendant.

CASE NO. _____

ORIGINAL COMPLAINT

For its Complaint, Plaintiff Junkosha Inc., by and through the undersigned counsel, alleges as follows:

PARTIES

1. Plaintiff Junkosha Inc. is a corporation organized and existing under the laws of Japan with its principal place of business at 961-20 Fukuda, Kasama-Shi, Ibaraki-Ken, Japan (“Junkosha”).

2. Heat Shrink Innovations, LLC is a limited liability company organized and existing under the laws of the state of Texas with its principal place of business at 1628 West Crosby Road, Suite 100, Carrollton, Texas 75006-6632 (“Defendant HSI”).

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. §§101 et seq. This Court has jurisdiction over Junkosha’s federal law claims under 28 U.S.C. §§ 1331 and 1338.

4. This Court has specific and/or general personal jurisdiction over Defendant HSI because it has committed acts giving rise to this action within this judicial district and/or has established minimum contacts within Texas and within this judicial district such that the exercise of jurisdiction over Defendant HSI would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because (i) Defendant HSI resides in this District, and (ii) Defendant HSI committed acts of patent infringement giving rise to this action within this District and has a regular and established place of business within this District.

THE PATENT-IN-SUIT

6. On April 18, 2017, the United States Patent and Trademark Office duly and lawfully issued United States Patent Number 9,623,154 (“the ’154 patent”), entitled “Heat-shrinkable tube having tearability.” A true and correct copy of the ’154 patent is attached hereto as Exhibit A.

7. Junkosha is the sole assignee and owner of the right, title and interest in and to the ’154 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

8. The ’154 patent describes, among other things, a heat-shrinkable tube having tearability. Junkosha has been a pioneer in the heat-shrinkable tube with tearability products since the inception of the technology.

9. Junkosha have complied with the requirements of 35 U.S.C. § 287 with respect to the ’154 patent by attaching patent markings to its heat-shrinkable tube with tearability products and also by notifying Defendant HSI of the infringement of the ’154 patent on August 10, 2017.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 9,623,154)

10. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

11. On information and belief, Defendant HSI has directly infringed and continues to directly infringe one or more claims of the '154 patent in violation of 35 U.S.C. § 271(a), including at least claim 1 of the '154 patent, in this judicial district and elsewhere in the United States, by making, using, selling, offering for sale, and/or importing into the United States heat-shrinkable tube with tearability, including, but not limited to, EZ-Peel products.

12. Claim 1 of the '154 patent reads:

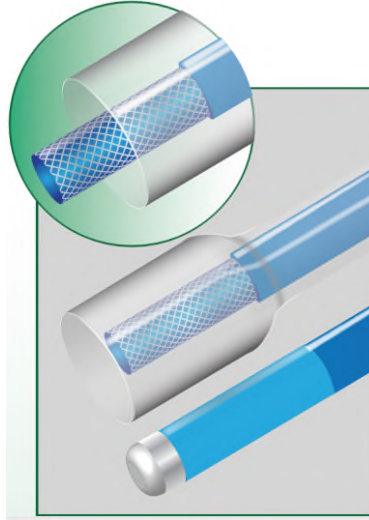
1. A heat-shrinkable tube having tearability, comprising at least a fluorine resin, wherein when a sine vibration stress with a cycle of 30 sec and an amplitude of 10 g is applied and a temperature is raised at rate of 5° C./min, an amount of change in loss energy, ΔE loss, with change in temperature from 175° C. to 185° C. is a positive value.

13. EZ-Peel is a fluoropolymer peelable heat shrink tube product that satisfies the claim element “a heat-shrinkable tube having tearability, comprising at least a fluorine resin” of claim 1 of the '154 patent.

EZ-Peel: Fluoropolymer Peelable Heat Shrink

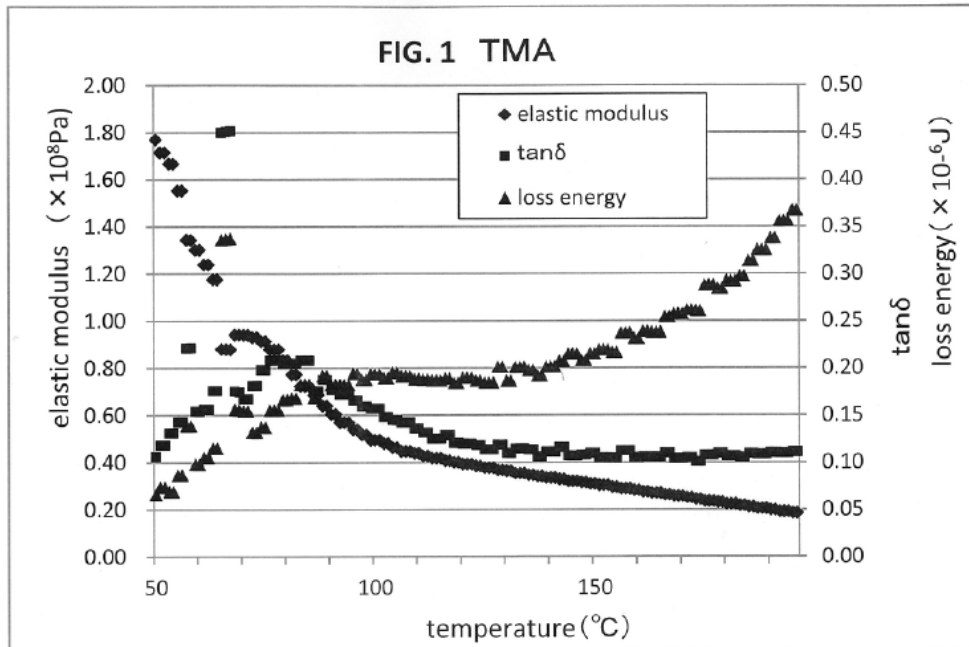
- USP Class VI Approved Material
- Product Features:
 - Std Expanded ID: 0.030” to 0.145”
 - Std Recovered ID: 0.019” to 0.098”
 - Std Wall Thickness: 0.008” to 0.010”
- Custom Shrink Ratios up to 1.5:1
- Low Peel Force For Easy Removal
- Eliminates Scoring Damage
- Direct Replacement For FEP Heat Shrink

Defendant HSI Sell Sheet attached hereto as Exhibit B



Id.

14. The ΔE loss of EZ-Peel with change in temperature from 175°C to 185°C was measured and calculated under condition of “application of a sine wave vibration stress of a cycle of 30 sec and an amplitude of 10 g and heating at a rate of 5°C/min” using thermomechanical analyzer TMA4000, produced by Bruker AXS K.K. As shown in Fig. 1 below, the ΔE loss on changing the temperature from 175°C to 185°C of EZ-Peel was 0.03 μJ , a positive value, therefore satisfying the remaining claim element of claim 1 of the '154 patent.



15. Junkosha is entitled to recover from Defendant HSI the damages sustained by Junkosha as a result of Defendant HSI's infringement of the '154 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

16. Junkosha will continue to be so damaged and irreparably injured unless such infringing activities are enjoined by this Court.

17. Junkosha, as well as its licensees, have marked its heat-shrinkable tube with tearability products pursuant to 35 U.S.C. § 287. On information and belief, Defendant HSI has had knowledge and notice of the '154 patent, as well as of its own infringement of the '154 patent, since at least August 10, 2017 by virtue of the notice letter and infringement report sent by Junkosha, which is attached hereto as Exhibit C.

18. On information and belief, Defendant HSI's infringement of the '154 patent has been and will continue to be willful, wanton and deliberate with full knowledge and awareness of Junkosha's patent rights.

19. Defendant HSI's infringement of the '154 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF

Wherefore, Plaintiff Junkosha respectfully requests that this Court enter judgment against Defendant HSI as follows:

- a. For judgment that Defendant HSI has infringed and continues to infringe the claims of the '154 patent;
- b. For judgment that Defendant HSI's infringement of the '154 patent has been willful;
- c. For a permanent injunction against Defendant HSI and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '154 patent;

- d. For an accounting of all damages caused by Defendant HSI's acts of infringement;
- e. For a judgment and order requiring Defendant HSI to pay Junkoshas' damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '154 patent as provided under 35 U.S.C. § 284;
- f. For a judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Junkosha their reasonable attorneys' fees; and
- g. For such other relief at law and in equity as the Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Junkosha demands a trial by jury of all issues triable by a jury.

Dated: December 1, 2017

Respectfully submitted,

/s/ Winn Carter

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