

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NIDEC MOTOR CORPORATION,  
*Plaintiff,*  
v.  
BROAD OCEAN MOTOR LLC;  
BROAD OCEAN TECHNOLOGIES LLC;  
ZHONGSHAN BROAD OCEAN MOTOR  
CO. LTD; and  
MOTORS AND ARMATURES, INC.  
*Defendants.*

CASE NO.

JURY DEMAND

**ORIGINAL COMPLAINT**

Plaintiff Nidec Motor Corporation (“NMC”), through its attorneys, files this complaint against defendants Broad Ocean Motor LLC, Broad Ocean Technologies LLC and Zhongshan Broad Ocean Motor Co., Ltd. (collectively “Broad Ocean”) and Motors & Armatures, Inc. (“MARS”) and hereby alleges as follows:

**I. PARTIES**

1. Plaintiff NMC is a corporation organized and existing under the laws of the state of Delaware.
2. Broad Ocean Motor LLC is a corporation organized and existing under the laws of the State of Delaware that has engaged, and is engaging, in business in Texas and in this judicial district. [NOTE: *The allegations in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery*].

3. Broad Ocean Technologies LLC is a corporation organized and existing under the laws of the State of Michigan that has engaged, and is engaging, in business in Texas and in this judicial district. [NOTE: *The allegations in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery*].

4. Zhongshan Broad Ocean Motor LLC is a Chinese corporation that has engaged, and is engaging, in business in the United States of America, Texas, and in this judicial district. [NOTE: *The allegations in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery*].

5. Motors & Armatures, Inc. is a corporation organized and existing under the laws of the State of New York that has engaged, and is engaging, in business in Texas and in this judicial district. [NOTE: *The allegations in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery*].

**II. JURISDICTION AND VENUE**

6. This is an action for infringement of several United States patents, and arises under the patent laws of the United States, 35 U.S.C. § 271, *et. seq.* This Court has exclusive subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a)
7. This Court has personal jurisdiction over Broad Ocean and MARS by virtue of Broad Ocean and MARS’ regular commercial and business activities within and/or directed to the State of Texas.
8. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b).

BOM Exhibit 1027  
BOM v. Nidec  
IPR2014-01121

## COUNT I

## INFRINGEMENT OF U.S. PATENT NO. 5,818,194

9. On October 6, 1998, United States Patent No. 5,818,194 (the “’194 Patent”) was duly and legally issued for “Direct Replacement Variable Speed Blower Motor.” A true and correct copy of the ’194 Patent is attached hereto as Exhibit A and made a part hereof.

10. NMC is the assignee and owner of all rights and title to the ’194 Patent, with the exclusive right to enforce the patent against infringers and to sue for and collect damages for all relevant times, including the right to assert the present cause of action.

11. Broad Ocean manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the ’194 Patent.

12. MARS uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the ’194 Patent.

13. Broad Ocean and MARS’ products that directly infringe the ’194 Patent include but are not limited to the Broad Ocean AZURE DIGI-MOTORS that are - alone or in combination with an external device - capable of operating in a PSC mode (collectively the “Infringing Broad Ocean Motors”). Infringing Broad Ocean Motors are believed to include, but are not limited to, the products associated with the following MARS product numbers: MARS No. 08025; MARS 08026 and MARS 08027.

14. In addition to directly infringing the ’194 Patent, Broad Ocean and MARS have contributed to infringement of one or more claims of the ’194 Patent because the Infringing Broad Ocean Motors include features that are especially adapted for infringement and there are no substantial non-infringing uses for the infringing features.

15. In addition to direct and contributory infringement of the ’194 Patent through their acts associated with the Infringing Broad Ocean Motors, Broad Ocean and MARS sell motors that, when used as intended by Broad Ocean and MARS and in accordance with instructions provided by Broad Ocean and MARS, directly infringe the ’194 Patent. As such, Broad Ocean and MARS have induced infringement of the ’194 Patent.

16. Broad Ocean and MARS and/or individuals within Broad Ocean’s or MARS’ employ had knowledge of the ’194 Patent prior to the filing of the Original Complaint in this action. [NOTE: *The allegations advanced in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery*].

17. Broad Ocean’s and MARS’ infringement of the ’194 Patent was and is willful. Despite knowing of the ’194 Patent, Broad Ocean and MARS engaged in, and continue to engage in, acts that infringe the ’194 Patent.

18. At all relevant times, NMC has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the ’194 Patent. Among other things, NMC has marked products utilizing the subject matter of the ’194 Patent with the number of the ’194 Patent. As an example, photographs of NMC’s RESCUE EcoTech® motor bearing the number of the ’194 Patent are provided below:



30. At all relevant times, NMC has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '092 Patent. Among other things, NMC has marked products utilizing the subject matter of the '092 Patent with the number of the '092 Patent. As an example, photographs of NMC's RESCUE EcoTech® motor bearing the number of the '092 Patent are provided below:



31. NMC has been damaged as a result of Broad Ocean's and MARS' infringing conduct with respect to the '092 Patent. Each of Broad Ocean and MARS is therefore liable to NMC in an amount that adequately compensates it for Broad Ocean's and MARS' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

32. Broad Ocean and MARS will continue their infringement of the '092 Patent unless enjoined by the Court. Broad Ocean's and MARS' infringing conduct causes NMC irreparable harm and will continue to cause such harm without the issuance of an injunction.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 8,049,459**

33. On November 1, 2011, United States Patent No. 8,049,459 (the "459 Patent") was duly and legally issued for "Blower Motor for HVAC Systems." A true and correct copy of the '459 Patent is attached hereto as Exhibit C and made a part hereof.

34. Broad Ocean manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the '459 Patent.

35. MARS uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the '459 Patent.

36. Broad Ocean and MARS' products that directly infringe the '459 Patent include but are not limited to the Infringing Broad Ocean Motors.

37. In addition to directly infringing the '459 Patent, Broad Ocean and MARS have contributed to infringement of one or more claims of the '459 Patent because the Infringing Broad Ocean Motors include features that are especially adapted for infringement and there are no substantial non-infringing uses for the infringing features.

38. In addition to direct and contributory infringement of the '459 Patent through their acts associated with the Infringing Broad Ocean Motors, Broad Ocean and MARS sell motors that, when used as intended by Broad Ocean and MARS and in accordance with instructions provided by Broad Ocean and MARS, directly infringe the '459 Patent. As such, Broad Ocean and MARS have induced infringement of the '459 Patent.

39. Broad Ocean and MARS and/or individuals within Broad Ocean's and MARS' employ had knowledge of the '459 Patent prior to the filing of the Original Complaint in this action.

[NOTE: *The allegations advanced in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery.*]

40. Broad Ocean's and MARS' infringement of the '459 Patent was and is willful. Despite knowing of the '459 Patent, Broad Ocean and MARS engaged in, and continue to engage in, acts that infringe the '459 Patent.

41. At all relevant times, NMC has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '459 Patent.

42. NMC has been damaged as a result of Broad Ocean and MARS' infringing conduct with respect to the '459 Patent. Each of Broad Ocean and MARS is therefore liable to NMC in an amount that adequately compensates it for Broad Ocean's and MARS' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

43. Broad Ocean and MARS will continue their infringement of the '459 Patent unless enjoined by the Court. Broad Ocean's and MARS' infringing conduct causes NMC irreparable harm and will continue to cause such harm without the issuance of an injunction.

**IV**  
**JURY DEMAND**

NMC hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

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