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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MacNEIL AUTOMOTIVE PRODUCTS, LIMITED, d/b/a WEATHERTECH,	)	C20-856 TSZ
	)	
Plaintiffs,	)	
	)	<b>JINRONG'S INVALIDITY</b>
v.	)	<b>CONTENTIONS AND NON-</b>
	)	<b>INFRINGEMENT CONTENTIONS</b>
JINRONG (SH) AUTOMOTIVE ACCESSORY DEVELOPMENT CO., LTD.;	)	
and RUI DAI,	)	
	)	
Defendants.	)	

Defendant, Jinrong (SH) Automotive Accessory Development Co., LTD by their undersigned attorneys, submits herewith their Invalidity Contentions and Non-Infringement Contentions, pursuant to Local Patent Rule (LPR) 121.

**I. INTRODUCTION**


Pursuant to the Scheduling Order and LPR 121, Defendant Jinrong (SH) Automotive Accessory Development Co., LTD ("Jinrong" or "Defendant") hereby provides notice of Jinrong's Initial Non-Infringement including Exhibits C and D and Jinrong's Initial Unenforceability and Invalidity Contentions including Exhibits A-1 to A-14, B-1 to B-13, C, and D, for:

**INVALIDITY CONTENTIONS AND NON-  
INFRINGEMENT CONTENTIONS**

- 1

129645.0002/8075328.1

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MacNeil Exhibit 2036  
Jinrong v. MacNeil IP  
IPR2020-01139

- 1 • Claims 1, 2, 3, 6, and 7 of U.S. Patent No. 8,382,186 (“the ’186 Patent”)<sup>1</sup>
- 2 • Claims 1, 4, 5, 8, 9, 12, 13, and 14 of U.S. Patent No. 8,833,834 (“the ’834
- 3 Patent”)
- 4 (collectively “Asserted Claims”).

5 Jinrong reserves the right to amend, modify, and/or supplement these Initial  
 6 Contentions based on, among other things, amendments, modifications, or supplements to  
 7 Plaintiff’s infringement contentions, further investigation, fact or expert discovery, and/or  
 8 evaluation of the scope and content of the prior art, disclosure of the parties’ claim  
 9 constructions, an order construing the Asserted Claims, or any other basis contemplated  
 10 by the Federal Rules of Civil Procedure, the Court’s Local Rules, and any other applicable  
 11 order entered by the Court.

12 Jinrong’s Initial LPR 121 Contentions are based on information reasonably  
 13 available at this time with respect to the Asserted Claims, are necessarily preliminary, and  
 14 may require subsequent amendment, modification, and/or supplementation. Moreover,  
 15 this case is in its early stages, and Jinrong has not obtained deposition testimony from any  
 16 of the named inventors of the Asserted Patents or any third party. These disclosures are  
 17 made without prejudice to Jinrong’s right to supplement or amend its contentions as  
 18 additional facts are ascertained, analyses are made, research is completed, and/or claims  
 19 are construed.

20 Because this case is in its early stages, Jinrong has not yet completed its  
 21 investigation, discovery, or analysis of matters relating to the infringement, validity, or  
 22

23 <sup>1</sup> MacNeil refers to claim 4 of the ’186 Patent on page 7 of its contentions but does not  
 24 include claim 4 in its claim charts or identify any specific products that purportedly  
 25 infringe claim 4. Therefore, claim 4 of the ’186 Patent is not specifically addressed in  
 26 these contentions, but Jinrong contends that it is not infringed and invalid for at least the  
 same reasons discussed with respect to the other claims herein. Jinrong reserves the right  
 to revise or amend these contentions to specifically address this claim should MacNeil  
 properly allege infringement of this claim.

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1 enforceability of the Asserted Claims, including, without limitation, invalidity due to on-  
 2 sale statutory bars, public use statutory bars or improper inventorship, or unenforceability  
 3 due to inequitable conduct. The disclosures herein are not and should not be construed as  
 4 a statement that no other persons have discoverable information, that no other documents,  
 5 data compilations, and/or tangible things exist that Jinrong may use to support their claims  
 6 or defenses, or that no other legal theories or factual bases will be pursued. Accordingly,  
 7 Jinrong reserves the right to amend, modify, and supplement these Initial LPR 121  
 8 Contentions as additional information is discovered, identified, or otherwise appreciated,  
 9 including testimony about the Asserted Claims and the scope and content of the prior art.

10 **II. ARGUMENTS**

11 **a. Defendant’s Non-Infringement Charts**

12 Jinrong contends that it does not infringe the Asserted Claims directly, indirectly,  
 13 contributorily, literally, under the doctrine of equivalents, or willfully. Jinrong’s Initial Non-  
 14 Infringement Contentions are provided in Exhibit C as to the ’186 Patent and in Exhibit D  
 15 as to the ’834 Patent.

16 Plaintiffs infringement contentions rely exclusively on theories of indirect patent  
 17 infringement found in §§ 271(b) and (c). Induced infringement under § 271(b) requires  
 18 evidence that (1) a third party directly infringed the asserted claims of the patent; (2) the  
 19 accused infringer induced those infringing acts; and (3) the accused infringer knew the acts  
 20 it induced constituted infringement. *Power Integrations, Inc. v. Fairchild Semiconductor*  
 21 *Int’l, Inc.*, 843 F.3d 1315, 1332 (Fed. Cir. 2016); 35 U.S.C. § 271(b). Contributory  
 22 infringement requires evidence that the accused infringer sold a component especially  
 23 designed for use in a patented combination or process. *See* 35 U.S.C. § 271(c). Additionally,  
 24 contributory infringement requires proof that (1) a third party directly infringed the asserted  
 25 claims of the patent; (2) the accused infringer had knowledge of the patent; (3) the  
 26 component has no substantial non-infringing uses, and (4) that the component is a material

**INVALIDITY CONTENTIONS AND NON-  
INFRINGEMENT CONTENTIONS**

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1 part of the claimed invention. *Fujitsu Ltd. v. Netgear Inc.*, 620 F.3d 1321, 1326 (Fed. Cir.  
2 2010). As with induced infringement, “contributory infringement requires knowledge of the  
3 patent in suit and knowledge of patent infringement.” *Commil USA, LLC v. Cisco Sys., Inc.*,  
4 575 U.S. 632, 135 S. Ct. 1920, 1926, 191 L. Ed. 2d 883 (2015).

5 Given the proof required to establish indirect patent infringement under §§ 271(b)  
6 or (c), plaintiffs’ infringement contentions fall woefully short. For inducement, Plaintiffs’  
7 contentions do not identify the direct infringer, they do not explain how Jinrong allegedly  
8 knew about the patent prior to engaging in the infringing conduct, they do not explain how  
9 Jinrong induced the acts of direct infringement, and they do not explain how Jinrong  
10 supposedly knew that the acts it induced constituted direct infringement. For contributory  
11 infringement, plaintiffs’ contentions do not identify the component, they do not explain how  
12 this (unidentified) component lacks any substantial non-infringing use, and they do not  
13 explain how this (unidentified) component formed a material part of any patented article or  
14 process. In short, plaintiffs’ infringement contentions do not satisfy LPR 120(d) and they  
15 should be stricken.

16 Additionally, MacNeil’s infringement contentions accuse 102 different SKUs of  
17 infringement, all having different shapes, features, and thicknesses. MacNeil only charts a  
18 single accused SKU (“Jinrong/Perfit Part No. 101811 for 2013-2017 Honda Accord”), and  
19 claims—without support—that this single SKU is “representative” of all 102 accused  
20 SKUs. Without more information as to why this single SKU is representative of all accused  
21 SKUs, MacNeil has failed to comply with LPR 120(c) and its contentions as to any  
22 uncharted products that are accused should be stricken for failing to comply with LPR  
23 120(c).

24 Finally, as explained in Jinrong’s non-infringement charts for the single accused  
25 product charted by MacNeil, the infringement contentions are ambiguous or incomplete in  
26 several respects because they fail to “identif[y] specifically where each element of each

**INVALIDITY CONTENTIONS AND NON-  
INFRINGEMENT CONTENTIONS**

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1 Asserted Claim is found within each Accused Device” as required by LPR 120(c). Thus,  
2 for these reasons, MacNeil’s infringement contentions as to the single product charted  
3 should be stricken for failing to show how each element of each asserted claim can be found  
4 in the single accused product for which a chart was submitted, i.e., the “Jinrong/Perfit Part  
5 No. 101811 for 2013-2017 Honda Accord.”

6 **b. Defendant’s List of Prior Art**

Patent or Publication Number	Country of Origin	Issue/ Publish Date
U.S. Pre-Grant Publication No. 2002/0045029 (“Yung”)	U.S.	April 18, 2002
DE4000877 (“Weitbrecht”)	Germany	July 18, 1991
WO 95/34443 (“Vidal”)	PCT/France	December 21, 1995
FR2547252 (“Rabbe”)	France	December 14, 1984
U.S. Patent No. 6,817,649 (“Stanesic”)	U.S.	November 16, 2004 (filed March 19, 2003)
U.S. Patent No. 4,828,898 (“Bailey”)	U.S.	May 9, 1989
U.S. Patent No. 6,905,650 (“McIntosh ‘650”)	U.S.	June 14, 2005 (filed November 5, 2001)
EP0022702B1 (“Lahaye B1”)	EPO/France	October 13, 1982
U.S. Patent No. 4,377,614 (“Alfter”)	U.S.	March 22, 1983
U.S. Patent No. 4,568,581 (“Peoples”)	U.S.	February 4, 1986
U.S. Patent No. 4,673,207 (“Reynolds”)	U.S.	June 16, 1987
U.S. Patent No. 4,958,876 (“Diacco”)	U.S.	September 25, 1990
U.S. Patent No. 5,298,319 (“Donahue”)	U.S.	March 29, 1994
U.S. Patent No. 6,793,872 (“Buss”)	U.S.	September 21, 2004 (filed June 16, 2000)
U.S. Patent No. 6,953,545 (“Tyler”)	U.S.	October 11, 2005 (filed September 30, 1999)
U.S. Patent No. D442,530 (“Lu ‘530”)	U.S.	May 22, 2001

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