Irene Yang (SBN 245464)
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104-1715
Telephone: (415) 772-1200
Facsimile: (415) 772-7400
Email: irene.yang@sidley.com

Tung T. Nguyen (*pro hac vice*)
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, TX 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400
Email: tnguyen@sidley.com

Attorneys for Defendants
ABALANCE CORPORATION, WWB CORPORATION, FUJI SOLAR CO., LTD., VIETNAM SUNERGY JOINT STOCK COMPANY, VIETNAM SUNERGY (BAC NINH) COMPANY LIMITED, VSUN SOLAR USA INC., TOYO CO., LTD., and TOYO SOLAR COMPANY LIMITED F/K/A VIETNAM SUNERGY CELL COMPANY LTD.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SHANGHAI JINKO GREEN ENERGY ENTERPRISE MANAGEMENT CO., LTD. and ZHEJIANG JINKO SOLAR CO., LTD.,

Plaintiffs,

vs.

ABALANCE CORPORATION, WWB CORPORATION, FUJI SOLAR CO., LTD., VIETNAM SUNERGY JOINT STOCK COMPANY, VIETNAM SUNERGY (BAC NINH) COMPANY LIMITED, VSUN SOLAR USA INC., TOYO CO., LTD., and VIETNAM SUNERGY CELL COMPANY LTD.,

Defendants.

Case No. 3:24-cv-08828-JSC

DEFENDANTS ABALANCE CORP., WWB CORP., AND FUJI SOLAR CO., LTD.'S NOTICE OF MOTION AND MOTION TO DISMISS (1) FOR LACK OF PERSONAL JURISDICTION UNDER FED. R. CIV. P. 12(b)(2) AND (2) FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(b)(6)

Date: May 22, 2025
Time: 10:00 a.m.
Dept.: Courtroom 8—19th Floor
Judge: Honorable Jacqueline Scott Corley

NOTICE OF MOTION

PLEASE TAKE NOTICE that on May 22, 2025, at 10:00 a.m., or as soon thereafter as counsel may be heard, in Courtroom 8, 19th Floor of the San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Defendants Abalance Corporation ("Abalance"), WWB Corporation ("WWB"), and Fuji Solar Co., Ltd. ("Fuji") (collectively, "Parent Defendants") shall and hereby do move to dismiss the Complaint of Plaintiffs Shanghai Jinko Green Energy Enterprise Management Co., Ltd. and Zhejiang Jinko Solar Co., Ltd.'s ("Plaintiffs") against them.

This motion is brought pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), as set forth more fully in the Memorandum of Points and Authorities below, on the grounds that:

1. This Court lacks personal jurisdiction over Defendants under Rule 12(b)(2); and

2. Even if this Court had jurisdiction, the Complaint fails to allege facts sufficient to state a claim of infringement against Parent Defendants under Rule 12(b)(6).

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities in support thereof, the Declarations of Vincent Fan and Irene Yang and the exhibits attached thereto, and all other pleadings and papers on file herein, and such argument and evidence as may be presented to the Court.

Date: April 16, 2025

Respectfully Submitted,

/s/ Irene Yang
Irene Yang

Attorneys for Defendants ABALANCE CORPORATION, WWB CORPORATION, AND FUJI SOLAR CO., LTD.

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MEMORANDUM OF POINTS AND AUTHORITIES

Defendants Abalance Corporation ("Abalance"), WWB Corporation ("WWB"), and Fuji Solar Co., Ltd. ("Fuji") (collectively, "Parent Defendants") respectfully submit this Memorandum of Points and Authorities in support of their Motion to Dismiss Plaintiffs' Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6).

I. INTRODUCTION

Parent Defendants Abalance, WWB, and Fuji are Japanese-based companies that appear to have been named in this litigation only based on their ownership of defendants Vietnam Sunergy Joint Stock Company, Vietnam Sunergy (Bac Ninh) Company Limited, VSUN Solar USA Inc., TOYO Co., Ltd., and/or TOYO Solar Company Limited f/k/a Vietnam Sunergy Cell Company Ltd. (collectively, the "VSUN and TOYO defendants")). The products that Plaintiffs have accused of patent infringement are all VSUN-branded products, and there are no allegations in the Complaint that the Parent Defendants themselves have anything to do with the accused VSUN products. Indeed, the Parent Defendants do not control the sales of the accused products, and none of them sells any of the accused products or ships them to the United States. Abalance, WWB, and Fuji are Japanese entities who do not make, use, offer to sell, sell, or import the accused products into the United States, and there are no allegations that they do so; as such, the Parent Defendants should be dismissed for lack of personal jurisdiction under Rule 12(b)(2).

Similarly, the Complaint groups all Defendants together as if they were one monolithic "VSUN" entity, but nowhere does the Complaint specify any role that Abalance, WWB, or Fuji have allegedly played in the making, using, offering for sale, selling, or importing of the accused VSUN products. This runs afoul of the basic pleading requirements set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and the Complaint should be dismissed under Rule 12(b)(6) as to the Parent Defendants for this additional reason.

II. STATEMENT OF ISSUES TO BE DECIDED

Whether the Complaint should be dismissed as to Abalance, WWB, and Fuji for lack of personal jurisdiction under Rule 12(b)(2) and for failure to comply with the requirements of Rule 12(b)(6).

III. STATEMENT OF FACTS

A. THE ACCUSED PRODUCTS ARE ALL VSUN SOLAR PRODUCTS

Plaintiffs accuse dozens of products that are described as VSUN-branded TOPCON N-type solar modules. ECF No. 1 ("Compl."), ¶ 27. The accused products are all VSUN-branded solar product offerings, some of which have not actually been sold in the United States. Fan Dec. ¶ 4. To the extent sales of VSUN-branded solar modules are made, they are recorded on VSUN balance sheets and maintained by VSUN. *Id.* ¶ 5. VSUN's Board of Directors provides high-level direction and strategic operation for defendant Vietnam Sunergy Joint Stock Company and its subsidiaries ("VSUN Group"), and day-to-day operations of the VSUN Group are controlled by VSUN executives. *Id.*

B. ABALANCE CORPORATION IS A JAPAN-BASED COMPANY

Abalance is a Japanese company headquartered in Tokyo and established in 2000. Exh. 1[1]; Exh. 2 at 1; Fan Dec. ¶ 6. It is the group management company for subsidiaries that operate in the solar, green energy, IT, and photocatalyst businesses, including defendants Vietnam Sunergy Joint Stock Company and TOYO Company Limited. Exh. 2 at 4; Exh. 7 at 4. Abalance itself, however, is in the systems software business, specifically the development and deployment of knowledge-management software. Exh. 1 at 5-6. Abalance does not control the sales of VSUN solar modules including the accused products. Fan Dec. ¶ 6. Since February 2023, when the first of the asserted patents was issued, Abalance has not purchased VSUN solar modules from VSUN or asked VSUN to provide it with solar modules to ship to the United States. *Id.*

C. WWB CORPORATION IS A JAPAN-BASED COMPANY

WWB is a Japanese company and subsidiary of Abalance, headquartered in Tokyo and

[1] All exhibits referenced herein as "Exh." are attached to the Declaration of Irene Yang filed concurrently herewith.

established in 2006. Exh. 3 at 1; Exh. 4 at 1-2; Fan Dec. ¶ 7. WWB operates in the renewable energy space including manufacturing of WWB's own solar cell modules, which are developed for and sold to the Japanese market under the Maxar brand. Exh. 4 at 2; Exh. 7 at 5. WWB does not control the sales of VSUN solar modules including the accused products. Fan Dec. ¶ 7. Since February 2023, WWB has not purchased VSUN solar modules from VSUN or asked VSUN to provide it with solar modules to ship to the United States. *Id.*

D. FUJI SOLAR CO., LTD. IS A JAPAN-BASED COMPANY

Fuji is a Japanese company and also a subsidiary of Abalance, headquartered in Tokyo and established in 2018. Exh. 5 at 1; Exh. 6 at 1; Fan Dec. ¶ 8. Fuji has subsidiaries that operate in the solar industry, including defendant Vietnam Sunergy Joint Stock Company. Exh. 6 at 1. However, Fuji is simply a holding company. Fan Dec. ¶ 7. As such, Fuji itself does not control the sales of VSUN solar modules including the accused products. Fan Dec. ¶ 8. Fuji has not purchased VSUN solar modules from VSUN or asked VSUN to provide it with solar modules to ship to the United States. *Id.*

IV. LEGAL STANDARD

A. RULE 12(B)(2)

Federal Rule of Civil Procedure 12(b)(2) permits a court to dismiss a complaint for lack of personal jurisdiction. Fed. R. Civ. P. 12(b)(2). Federal Circuit law governs personal jurisdiction in patent cases. *See Breckenridge Pharm., Inc. v. Metabolite Labs., Inc.*, 444 F.3d 1356, 1361 (Fed. Cir. 2006). Personal jurisdiction over a nonresident defendant is proper if the forum state's long-arm statute permits jurisdiction and the assertion of jurisdiction does not violate due process. *Apple Inc. v. VoIP-Pal.com, Inc.*, 506 F. Supp. 3d 947, 961 (N.D. Cal. 2020). California's long-arm statute, Cal. Code Civ. P. § 410.10, extends to the limits of federal due process requirements, and thus "the jurisdictional analyses under California law and federal due process merge into one." *Id.*; *see Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800–01 (9th Cir. 2004). For a court to exercise personal jurisdiction over a defendant consistent with due process, that defendant must have "certain minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" *Int'l Shoe Co. v.*

Washington, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).

Personal jurisdiction may be general or specific. *Bristol-Myers Squibb Co. v. Superior Ct. of Cal., San Francisco Cnty.*, 582 U.S. 255, 262 (2017). General jurisdiction exists when a defendant engages in "continuous and systematic general business contacts" with the forum state, allowing a court to hear any cause of action against a defendant. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 416 (1984). Specific jurisdiction requires a causal relationship between the defendant's forum contacts and the plaintiff's claims. *Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d 1199, 1205 (9th Cir. 2006). Whether a court has specific jurisdiction over a nonresident defendant "focuses on the relationship among the defendant, the forum, and the litigation," and "the defendant's suit-related conduct must create a substantial connection with the forum." *Walden v. Fiore*, 571 U.S. 277, 284 (2014). "When there is no such connection, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the State." *Bristol-Myers*, 582 U.S. at 264.

Personal jurisdiction must separately exist for each asserted claim. *Action Embroidery Corp. v. Atl. Embroidery, Inc.*, 368 F.3d 1174, 1180 (9th Cir. 2004) (citing *Data Disc, Inc. v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1289 n.8 (9th Cir. 1977)). When a defendant moves to dismiss "for lack of personal jurisdiction, the plaintiff bears the burden of demonstrating that jurisdiction is appropriate." *See Schwarzenegger*, 374 F.3d at 800. Bare, conclusory allegations of personal jurisdiction are not sufficient. *Id.*

B. RULE 12(B)(6)

To survive a Rule 12(b)(6) motion, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). A court is "not bound to accept as true a legal conclusion couched as a factual allegation." *Iqbal*, 556 U.S. at 662, 678 (citing *Twombly*, 550 U.S. at 555). Hence, the rule that "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice" applies in patent cases. *See Comcast Cable Commc'ns, LLC v. OpenTV, Inc.*, 319 F.R.D. 269, 272 (N.D. Cal. 2017) (citing *Iqbal*, 556 U.S. at 678). In determining a complaint's adequacy, a court must disregard conclusory allegations and legal

conclusions, which are not entitled to the assumption of truth, and determine whether the remaining "well-pleaded factual allegations" suggest that the plaintiff has a plausible—as opposed to merely conceivable—claim for relief. *Iqbal*, 556 U.S. at 679. On a motion to dismiss, the court does not "assume the truth of legal conclusions merely because they are cast in the form of factual allegations." *Fayer v. Vaughn*, 649 F.3d 1061, 1064 (9th Cir. 2011).

These pleading standards apply to allegations of direct and indirect (i.e., induced and contributory) infringement. *See Superior Indus., LLC v. Thor Global Enters. Ltd.*, 700 F.3d 1287, 1295–96 (Fed. Cir. 2012); *Finjan, Inc. v. Cisco Sys. Inc.*, 2017 WL 2462423, *3–5 (N.D. Cal. 2017); *Novitaz, Inc. v. inMarket Media, LLC*, No. 16-CV-06795, 2017 WL 2311407, at *2 (N.D. Cal. 2017). Direct infringement of a patent claim requires that the allegedly infringing conduct occur "within the United States." 35 U.S.C. § 271. Indirect infringement "requires an act of direct infringement as a predicate." *Regents of Univ. of Michigan v. Leica Microsystems Inc.*, No. 19-CV-07470-LHK, 2020 WL 2084891, at *4 (N.D. Cal. Apr. 30, 2020).

V. ARGUMENT

A. THE COURT LACKS PERSONAL JURISDICTION OVER DEFENDANTS

There is neither general nor specific personal jurisdiction over the Parent Defendants. This Court lacks general jurisdiction over each because none of Parent Defendants was incorporated in California, and none has California as their principal place of business. This Court lacks specific jurisdiction over the Parent Defendants, who have not purposefully directed acts toward California that gave rise to Plaintiffs' claims, nor would exercising specific jurisdiction be reasonable under due process principles. To the extent there are activities that occur in the United States related to the accused products, those activities are not conducted or controlled by any of the Parent Defendants. The Complaint should therefore be dismissed as against Abalance, WWB, and Fuji for lack of personal jurisdiction.

1. There Is No General Jurisdiction Over Defendants in California

General jurisdiction exists only where a defendant is "essentially at home." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). For "a corporation, the place of incorporation and principal place of business" are the paradigmatic forums. *Daimler AG v. Bauman*,

571 U.S. 117, 137 (2014). Otherwise, to be subject to general jurisdiction, a corporation's contacts must be "so 'continuous and systematic' as to render [them] essentially at home in the forum State," which could only occur in an "exceptional case." *Id*. at 139; *BNSF Ry. Co. v. Tyrrell*, 581 U.S. 402, 413 (2017) (emphasizing that exercise of general jurisdiction beyond principal place of business or state of incorporation is an "exceptional case").

There is no general jurisdiction over any of the three Parent Defendant corporations in California. Plaintiffs do not allege that Parent Defendants are incorporated or hold a principal place of business in California. *See* Compl., ¶¶ 3-5. Nor could they, because Abalance, WWB, and Fuji are all incorporated in Japan and have their principal place of business in Tokyo, Japan. *Id*. The paradigmatic circumstances warranting application of general jurisdiction are therefore not found here. Nor have Plaintiffs alleged any facts to show that the Parent Defendants engaged in any sort of systematic or extensive operations within the forum state, such that they are "essentially at home" in California and an "exceptional case" to which general jurisdiction should apply. Accordingly, the Court does not have general jurisdiction over Parent Defendants.

2. There Is No Specific Jurisdiction Over Defendants in California

The Parent Defendants likewise lack contacts with the forum state of California that would give rise to the patent infringement claims directed against the accused products here. To determine whether a court can exercise specific jurisdiction consistent with due process, the Federal Circuit applies a three-prong test analyzing: "(1) whether the defendant purposefully directed its activities at residents of the forum state, (2) whether the claim arises out of or relates to the defendant's activities with the forum state, and (3) whether assertion of personal jurisdiction is reasonable and fair." *Celgard, LLC v. SK Innov. Co., Ltd.*, 792 F.3d 1373, 1377–78 (Fed. Cir. 2015) (internal citations omitted). The plaintiff bears the burden of "affirmatively establishing the first two elements of the due process requirement." *Id.* at 1378 (citation omitted). If the plaintiff meets the burden, then the burden shifts to defendants to prove that personal jurisdiction is unreasonable. *Id.* (citation omitted). Plaintiffs cannot meet their burden and the requirements of the three-prong test are not satisfied.

The first two factors require the Court to determine whether the defendant purposefully directed its activities at residents of the forum, and whether the claim arises out of or relates to those activities. *Xilinx, Inc. v. Papst Licensing GmbH & Co. KG*, 848 F.3d 1346, 1353 (Fed. Cir. 2017). With respect to the first factor, "it is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." *Id.* (citation omitted). Here, Plaintiff has not alleged any facts that demonstrate that Abalance, WWB, or Fuji have purposefully directed activities at California residents; to the contrary, to the extent Parent Defendants engage in business operations related to the solar industry, they are either outside of the United States (WWB) or conducted through subsidiaries who are already defending against the allegations in the Complaint (Abalance, Fuji). Exh. 4; Fan Dec., ¶¶ 6-8. Nor have Plaintiffs identified any harm to California residents attributable to Parent Defendants. Indeed, Plaintiffs are themselves foreign entities who are headquartered outside of the United States. Compl., ¶¶ 1-2.

As to the second prong, there is no evidence that the claims against Parent Defendants arose out of any activities related to the Northern District of California. Abalance, WWB, and Fuji do not control the sales of the accused products identified in the Complaint, all of which are VSUN product offerings that are not made or sold by Parent Defendants. Day-to-day operations of the VSUN Group are controlled by VSUN executives, not by the Parent Defendants, and it is VSUN's Board of Directors that provides high-level direction and strategic operation for the VSUN Group. Thus, the patent infringement claims at issue in the Complaint are more appropriately defended by the VSUN and TOYO defendants, who have concurrently filed their Answer. Were Abalance, WWB, and Fuji to remain in the case, they would not be reasonably expected to have relevant and non-duplicative information for the claims at issue, and any attempt to draw them into fact discovery would be disproportionately burdensome.

Likewise, as to the third prong, it would be unreasonable to assert personal jurisdiction over Parent Defendants. Reasonableness is determined by applying the factors outlined by the Supreme Court in *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 477 (1985). The *Burger King* factors include: "the burden on the defendant, the forum State's interest in adjudicating the dispute, the

plaintiff's interest in obtaining convenient and effective relief, the interstate judicial system's interest in obtaining the most efficient resolution of controversies, and the shared interest of the several States in furthering fundamental substantive social policies." *Id.* (cleaned up). The burden on a foreign corporation that does not make, market, sell, or import the Accused Products in the United States, much less California, is disproportionately high particularly when companies that are involved in various capacities with the accused products in the United States are also named and are defending the lawsuit. Abalance, WWB, and Fuji's connections to this case are simply that they are parent companies under the umbrella of the Abalance group as a whole (and Fuji is a holding company, not an operating entity), and dismissing them from the case will not affect Plaintiffs' ability to obtain relevant discovery or litigate their claims. The reasonable approach here is to allow the case to proceed against the VSUN and TOYO defendants, who have answered the Complaint and are prepared to defend against Plaintiff's infringement claims.

Plaintiffs have not established that either general or specific jurisdiction exists over Defendants Abalance, WWB, and Fuji, and they should be dismissed.

B. PLAINTIFFS FAIL TO ADEQUATELY STATE ANY INFRINGEMENT CLAIM AGAINST DEFENDANTS ABALANCE, WWB, AND FUJI

Even if the Court had personal jurisdiction over Parent Defendants, Plaintiff's claims should be dismissed under Fed. R. Civ. P. 12(b)(6) for failure to state a claim against Abalance, WWB, or Fuji.[2] Plaintiff fails to plausibly allege direct, indirect, or willful infringement by Parent Defendants.

Plaintiffs fail to adequately state a claim for direct infringement, which requires that an unauthorized party "makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent." 35 U.S.C. § 271(a). The Complaint lumps all eight defendants together and treats them as if they were a single monolithic entity regardless of their actual business. Compl., p. 1. Notably, the Complaint lacks any allegations against Abalance, WWB, or Fuji when it comes to establishing jurisdiction over them. *See, e.g., Rush v. Savchuk*, 444 U.S. 320, 331-32 (1980) (holding that the aggregation of multiple defendants' forum contacts for purposes of personal jurisdiction analysis is "plainly

[2] Parent Defendants make these arguments in the alternative should the Court find that it has personal jurisdiction over them.

unconstitutional," and noting that jurisdictional requirements "must be met as to each defendant"); *3D Sys., Inc. v. Aarotech Lab'ys, Inc.*, 160 F.3d 1373, 1380 (Fed. Cir. 1998) (finding that the defendant parent company did not purposefully direct activities toward the forum state, and declining to ignore the corporate form and impute specific jurisdiction over the defendant subsidiary to the parent company); *see also, e.g.*, *In re W. States Wholesale Nat. Gas Litig.*, 605 F. Supp. 2d 1118, 1130 (D. Nev. 2009) ("The Court must analyze whether personal jurisdiction exists over each defendant separately."). The Complaint's recitations as to jurisdiction and venue are limited to three paragraphs that conclusorily state that "Defendants conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this judicial district, the State of California, and elsewhere in the United States[,]" Compl., ¶ 19, and "Venue is proper… VSUN may be sued in this district because VSUN has a regular and established place of business in this district, and because it commits acts of infringement (i.e., sells and offers to sell accused products) in this district[,]" Compl., ¶ 20. But there are no allegations in the Complaint that Abalance, WWB, or Fuji conduct business, have anything to do with the Accused Products, or have any regular and established place of business in the Northern District of California.

Moreover, the Complaint does not distinguish among the defendants in alleging that they make, use, sell, offer to sell, or import certain solar panels. The Complaint lists dozens of VSUN-branded solar modules in paragraph 27 and Exhibits 3 and 4 as comprising the "Accused Products," but the website links that purport to relate to these products are to VSUN Solar (www.vsun-solar.com), not to Abalance (Exh. 2; *see* Fan. Dec. ¶ 6), WWB (Exh. 4; *see* Fan. Dec. ¶ 7), or Fuji (Exh. 6; *see* Fan. Dec. ¶ 8). The Counts in the Complaint for alleged patent infringement likewise do not differentiate among the eight companies or explain what Abalance, WWB, or Fuji are alleged to have done when it comes to the Accused Products. Compl., ¶¶ 34-35, 42-43. Thus, the Complaint fails to allege, in anything but the most sweeping and conclusory fashion, that Abalance, WWB, and Fuji have made, used, offered for sale, sold, or imported any of the Accused Products in or into the United States, and fails to meet the notice pleading requirements of *Iqbal* and *Twombly*.

Plaintiffs' indirect and willful infringement allegations against Abalance, WWB, and Fuji consequently also fail under Rule 12(b)(6) in view of Plaintiffs' failure to adequately allege its direct

infringement claims. Moreover, none of the additional requirements for induced infringement, contributory infringement, and willful infringement is pled against Abalance, WWB, and Fuji specifically.[3] Indeed, there are no allegations as to intent or pre-suit knowledge by any defendant, much less Abalance, WWB, and Fuji. Based on the allegations that are in the Complaint, Abalance, WWB, and Fuji have no understanding of and are not on notice of Plaintiffs' claims against them. *See Disc Disease Sols. Inc. v. VGH Sols., Inc.*, 888 F.3d 1256, 1260 (Fed. Cir. 2018) (under *Iqbal* and *Twombly*, the plausibility standard requires "giving the defendant fair notice of what the claim is and the ground upon which it rests.") (cleaned up). The Complaint should be dismissed against Abalance, WWB, and Fuji for this additional reason.

VI. CONCLUSION

Defendants Abalance, WWB, and Fuji respectfully request that the Court dismiss Plaintiffs' claims against them for lack of personal jurisdiction under Rule 12(b)(2) and for failure to state a claim under Rule 12(b)(6).

DATED: April 16, 2025

Respectfully Submitted

SIDLEY AUSTIN LLP

By: */s/ Irene Yang*
Irene Yang

Attorneys for Defendants ABALANCE CORPORATION, WWB CORPORATION, and FUJI SOLAR CO., LTD.

[3] For induced infringement, a complaint must plead facts plausibly showing that the accused infringer (1) specifically intended another party to infringe the patent and (2) knew that the other party's acts constituted infringement. *Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed. Cir. 2017). For contributory infringement, a plaintiff must properly allege: (1) that there is direct infringement, (2) that the accused infringer had knowledge of the patent, (3) that the component has no substantial noninfringing uses, and (4) that the component is a material part of the invention. *People.ai, Inc. v. SetSail Techs., Inc.*, No. C 20-09148 WHA, 2021 WL 2333880, at *6 (N.D. Cal. June 8, 2021). To prove a willful infringement claim (for the purpose of obtaining enhanced damages), the plaintiff must show that (1) the defendant had knowledge of the patent-in-suit and that (2) the defendant infringed deliberately or intentionally. *See, e.g., Eko Brands, LLC v. Adrian Rivera Maynez Enters., Inc.*, 946 F.3d 1367, 1378 (Fed. Cir. 2020). The defendant's knowledge as to both indirect and willful infringement must be "pre-suit knowledge." *Splunk Inc. v. Cribl, Inc.*, 662 F. Supp. 3d 1029, 1040 (N.D. Cal. 2023).