

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

**CPUMATE INC.**

**Plaintiff,**

**v.**

**NZXT CORPORATION,**

**Defendant.**

**CIVIL ACTION NO. 2:13-cv-499**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs CpuMate Inc. (“Plaintiff”) for its Complaint against NZXT Corporation (“NZXT” or “Defendant”), demands a trial by jury and alleges as follows:

**PARTIES**

1. Plaintiffs CpuMate Inc. is a Taiwanese company with a principal address of No. 13, Wu-chiuan 5<sup>th</sup> Rd., Wu-Ku Industrial District, Taipei Hsien, 248, Taiwan, R.O.C.

2. On information and belief, Defendant NZXT Corporation is incorporated under the laws of California with its principal place of business at 13164 Temple Ave., City of Industry, CA 91746. This defendant has appointed Johnny Chunju Hou, 13164 Temple Ave., City of Industry, CA 91746, as its agent for service of process. On information and belief, NZXT regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

## JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, NZXT has transacted business in this district, and has committed acts of patent infringement in this district, by making, using, selling, and /or offering for sale at least the NZXT Respire T20 and T40 Coolers.

5. On information and belief, NZXT is subject to this Court's general and specific personal jurisdiction because: NZXT has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, NZXT has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; NZXT regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from NZXT's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

## COUNT I INFRINGEMENT OF U.S. PATENT NO. 7,562,696

6. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 7,562,696 ("the '696 Patent") entitled "Juxtaposing Structure for Heated Ends of Heat Pipes." The '696 Patent was issued on July 21, 2009 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '696 Patent was filed on May 16, 2006. Attached as Exhibit "A" is a copy of the '696 Patent.

7. The '696 Patent is generally directed to a juxtaposing structure for a plurality of heat pipes.

8. On information and belief, NZXT has been and now is infringing the '696 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell devices having a juxtaposing structure for a plurality of heat pipes according to the '696 Patent. On information and belief, examples of NZXT products that infringe the '696 Patent include, its NZXT Respire T20 and T40 Coolers. NZXT is thus liable for infringement of the '696 Patent pursuant to 35 U.S.C. § 271.

9. As a result of NZXT's infringement of the '696 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless NZXT's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining NZXT and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '696 Patent, Plaintiffs will be greatly and irreparably harmed.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests that this Court enter:

- A. A judgment in favor of Plaintiff that NZXT has infringed the '696 Patent.
- B. A permanent injunction enjoining NZXT and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '696 Patent;
- C. A judgment and order requiring NZXT to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interest for NZXT infringement of the '696 Patent as provided under 35 U.S.C. § 284;

D. An award to Plaintiffs for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs its reasonable attorneys' fees; and

F. Any and all other relief to which Plaintiffs may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiffs, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: June 17, 2013

Respectfully submitted,

/s/ Winston O. Huff  
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ATTORNEYS FOR PLAINTIFF  
CPUMATE INC.

**CERTIFICATE OF FILING**

I hereby certify that on June 17, 2013 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

/s/ Winston O. Huff

Winston O. Huff