

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

**CPUMATE INC. and GOLDEN SUN NEWS
TECHNIQUES CO., LTD.,**

Plaintiffs,

v.

**GIGA-BYTE TECHNOLOGY CO. LTD. and
G.B.T. INC.,**

Defendants.

CIVIL ACTION NO. 2:14-cv-208

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs CpuMate Inc. and Golden Sun News Techniques Co., Ltd. (“Plaintiffs”) for their Complaint against Giga-Byte Technology Co. Ltd. and G.B.T. Inc., (collectively “Giga-Byte” or “Defendants”), demand a trial by jury and allege as follows:

PARTIES

1. Plaintiff CpuMate, Inc. is a Taiwanese company with a principal address of No. 13, Wu-Chiuan 5th Rd., Wu-Ku Industrial District, Taipei Hsien 248, Taiwan, R.O.C. and Plaintiff Golden Sun News Techniques Co., Ltd. is a Taiwanese company with a principal address of No. 60 Wucyuan Rd., Wugu District, New Taipei City 248, Taiwan R.O.C.

2. On information and belief, Defendant Giga-Byte Technology Co. Ltd., is a Taiwanese corporation with its principal place of business at No. 6 Bao Chiang Road, Hsin-Tein Dist., New Taipei 231, Taiwan. On information and belief Giga-Byte Technology Co. Ltd., is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information

and belief, Giga-Byte Technology Co. Ltd. resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b).

3. On information and belief, this proceeding arises, in part, out of business done by Defendant Giga-Byte Technology Co. Ltd. in this state. Defendant Giga-Byte Technology Co. Ltd. may be served with process in Taiwan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

4. On information and belief, Defendant Giga-Byte Technology Co. Ltd. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, by itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

5. On information and belief, Defendant G.B.T. Inc. is incorporated under the laws of California with its principal place of business at 17358 Railroad Street, City of Industry, CA 91748-1023. This Defendant is registered to transact business in the State of California and has appointed Eric C. Lu, located at 17358 Railroad Street, City of Industry, CA 91748-1023, as its agent for service of process.

6. On information and belief, G.B.T. Inc. 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

7. 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).

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, the Giga-Byte Defendants have transacted business in this district, and have committed acts of patent infringement in this district, by making, using, selling, and /or offering for sale at least the HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, Sapphire HD 7990 ATOM products.

9. On information and belief, the Giga-Byte Defendants are subject to this Court's general and specific personal jurisdiction because: Defendants have 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, Defendants have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendants regularly conduct and solicit business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I
INFRINGEMENT OF UNITED STATES PATENT NO. 7,913,748

10. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 7,913,748 ("the '748 Patent") entitled "Vapor Chamber." The '748 Patent was issued on March 29, 2011 after a full and fair examination by the United States Patent and Trademark Office. The

application leading to the '748 Patent was filed on May 28, 2008. Attached as Exhibit "A" is a copy of the '748 Patent.

11. The '748 Patent is generally directed to a vapor changer heat exchanger including a wick structure and a heat dissipation fluid.

12. On information and belief, Defendants has been and now are infringing the '748 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 vapor chamber according to the '748 Patent. On information and belief, examples of Defendants' products that infringe the '748 Patent include, its GTX 780 Vapor Chamber products. Defendants are thus liable for infringement of the '748 Patent pursuant to 35 U.S.C. § 271.

13. On information and belief, the Vapor Chamber in Defendants' accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '748 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '748 Patent.

14. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '748 Patent. Defendants have actively induced infringement of the '748 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '748 Patent.

15. As a result of Defendants' infringement of the '748 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

16. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '748 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF UNITED STATES PATENT NO. 6,779,595

17. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 6,779,595 ("the '595 Patent") entitled "Integrated Heat Dissipation Apparatus." The '595 Patent was issued on August 24, 2004 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '595 Patent was filed on September 16, 2003. Attached as Exhibit "B" is a copy of the '595 Patent.

18. The '595 Patent is generally directed to a to a heat dissipating apparatus.

19. On information and belief, Defendants have been and now are infringing the '595 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 including a heat dissipator having heat pipes according to the '595 Patent.

20. On information and belief, examples of Defendants' products that infringe the '595 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, and Sapphire HD 7990 ATOM. Defendants are thus liable for infringement of the '595 Patent pursuant to 35 U.S.C. § 271.

21. On information and belief, the heat dissipating apparatus in Defendants' accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '595 Patent and are not staple articles of commerce capable of

substantial non-infringing uses. Defendants have thereby contributed to the infringement of the ‘595 Patent.

22. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the ‘595 Patent. Defendants have actively induced infringement of the ‘595 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the ‘595 Patent.

23. As a result of Defendants’ infringement of the ‘595 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants’ infringing activities are enjoined by this Court.

24. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the ‘595 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT III
INFRINGEMENT OF UNITED STATES PATENT NO. 7,866,043

25. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 7,866,043 (“the ‘043 Patent”) entitled “Method Of Flattening Evaporating Section Of Heat Pipe Embedded In Heat Dissipation Device.” The ‘043 Patent was issued on January 11, 2011 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the ‘043 Patent was filed on April 28, 2008. Attached as Exhibit “C” is a copy of the ‘043 Patent.

26. The ‘043 Patent is generally directed to a method of flattening evaporating section of heat pipe embedded in heat dissipation device.

27. On information and belief, Defendants have been and now are infringing the '043 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 method of flattening evaporating section of heat pipe embedded in heat dissipation device according to the '043 Patent. On information and belief, examples of Defendants' products that infringe the '043 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, Sapphire HD 7990 ATOM. Defendants is thus liable for infringement of the '043 Patent pursuant to 35 U.S.C. § 271.

28. On information and belief, the Defendants accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '043 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '043 Patent.

29. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '043 Patent. Defendants have actively induced infringement of the '043 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '043 Patent.

30. As a result of Defendants' infringement of the '043 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

31. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '043 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT IV
INFRINGEMENT OF UNITED STATES PATENT NO. 8,161,644

32. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 8,161,644 (“the ‘644 Patent”) entitled “Leveling Method For Burying Evaporating Section Of Heat Pipe Into Thermally Conductive Seat.” The ‘644 Patent was issued on April 24, 2012 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the ‘644 Patent was filed on June 3, 2009. Attached as Exhibit “D” is a copy of the ‘644 Patent.

33. The ‘644 Patent is generally directed to leveling method for burying evaporating section of heat pipe into thermally conductive seat.

34. On information and belief, Defendants have been and now are infringing the ‘644 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 leveling method for burying evaporating section of heat pipe into thermally conductive seat according to the ‘644 Patent. On information and belief, examples of Defendants’ products that infringe the ‘644 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, and Sapphire HD 7990 ATOM products. Defendants are thus liable for infringement of the ‘644 Patent pursuant to 35 U.S.C. § 271.

35. On information and belief, the Defendants accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '644 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '644 Patent.

36. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '644 Patent. Defendants have actively induced infringement of the '644 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '644 Patent.

37. As a result of Defendants' infringement of the '644 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

38. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '644 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT V
INFRINGEMENT OF UNITED STATES PATENT NO. 8,387,250

39. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 8,387,250 ("the '250 Patent") entitled "Method for Embedding Heat Pipe Into Heat-Conducting Seat." The '250 Patent was issued on March 5, 2013 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '250 Patent was filed on November 4, 2008. Attached as Exhibit "E" is a copy of the '250 Patent.

40. The '250 Patent is generally directed to a method for embedding heat pipe into heat-conducting seat.

41. On information and belief, Defendants have been and now are infringing the '250 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 method for embedding heat pipe into heat-conducting seat according to the '250 Patent. On information and belief, examples of Defendants' products that infringe the '250 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, and Sapphire HD 7990 ATOM products. Defendants are thus liable for infringement of the '250 Patent pursuant to 35 U.S.C. § 271.

42. On information and belief, the Defendants accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '250 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '250 Patent.

43. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continues to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '250 Patent. Defendants have actively induced infringement of the '250 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '250 Patent.

44. As a result of Defendants' infringement of the '250 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

45. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '250 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT VI
INFRINGEMENT OF UNITED STATES PATENT NO. 8,235,768

46. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 8,235,768 ("the '768 Patent") entitled "Cooler With Ground Heated Plane and Grinding Method and Apparatus Thereof." The '768 Patent was issued on August 7, 2012 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '768 Patent was filed on June 10, 2009. Attached as Exhibit "F" is a copy of the '768 Patent.

47. The '768 Patent is generally directed to a method for making heated plane of a heat dissipation device.

48. On information and belief, Defendants have been and now are infringing the '768 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 method for making heated plane of a heat dissipation device according to the '768 Patent. On information and belief, examples of Defendants' products that infringe the '768 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, and Sapphire HD 7990 ATOM products. Defendants are thus liable for infringement of the '768 Patent pursuant to 35 U.S.C. § 271.

49. On information and belief, the Defendants accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '768 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '768 Patent.

50. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '768 Patent. Defendants have actively induced infringement of the '768 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '768 Patent.

51. As a result of Defendants' infringement of the '768 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

52. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '768 Patent, Plaintiffs will be greatly and irreparably harmed.

COUNT VII
INFRINGEMENT OF UNITED STATES PATENT NO. 8,328,601

53. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 8,328,601 ("the '601 Patent") entitled "Apparatus for Grinding Heated Plane of Cooler." The '601 Patent was issued on December 11, 2012 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '601 Patent was filed on March 1, 2012. Attached as Exhibit "G" is a copy of the '601 Patent.

54. The '601 Patent is generally directed to a method for making heated plane of a heat dissipation device.

55. On information and belief, Defendants have been and now are infringing the '601 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 method for making heated plane of a heat dissipation device according to the '601 Patent. On information and belief, examples of Defendants' products that infringe the '601 Patent include, their HD 7850 system, Sapphire HD 4870, Sapphire HD 7950 1100/1450, Sapphire Radeon HD 5970 ATI Video Card, Sapphire Radeon HD 6850, Sapphire X1650 Pro, Sapphire HD 2600, Sapphire HD7790 Dual-XOC, Sapphire HD 7950 3GB, and Sapphire HD 7990 ATOM products. Defendants are thus liable for infringement of the '601 Patent pursuant to 35 U.S.C. § 271.

56. On information and belief, the Defendants accused products are known by Defendants to be especially made or especially adapted for use in a manner that infringes the '601 Patent and are not staple articles of commerce capable of substantial non-infringing uses. Defendants have thereby contributed to the infringement of the '601 Patent.

57. On information and belief, Defendants, by their sales and/or offers for sale of the accused products to third parties, have induced and continue to induce acts by third parties that Defendants knew or should have known would constitute direct infringement of the '601 Patent. Defendants have actively induced infringement of the '601 Patent by designing the accused products to be capable of infringement and by promoting and encouraging the use of their products by third parties in ways that infringe the '601 Patent.

58. As a result of Defendants' infringement of the '601 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

59. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '601 Patent, Plaintiffs will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

A. A judgment in favor of Plaintiffs that Defendants have infringed the '748 Patent, the '595 Patent, the '043 Patent, the '644 Patent, the '250 Patent, the '768 Patent, and the '601 Patent;

B. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '748 Patent, the '595 Patent, the '043 Patent, the '644 Patent, the '250 Patent, the '768 Patent, and the '601 Patent.

C. A judgment and order requiring Defendants to pay Plaintiffs their damages, costs, expenses, and prejudgment and post-judgment interest for Defendants infringement of the '748 Patent, the '595 Patent, the '043 Patent, the '644 Patent, the '250 Patent, the '768 Patent, and the '601 Patent as provided under 35 U.S.C. § 284;

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

E. 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, request a trial by jury of any issues so triable by right.

Dated: March 11, 2014

Respectfully submitted,

By: /s/ Winston O. Huff

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ATTORNEYS FOR PLAINTIFFS
CPUMATE INC. and GOLDEN SUN
NEWS TECHNIQUES CO., LTD.

CERTIFICATE OF FILING

I hereby certify that on March 11, 2014 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff

Winston O. Huff