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13 ATTORNEYS FOR PLAINTIFFS,
CPUMATE INC. AND
14 GOLDEN SUN NEWS TECHNIQUES CO., LTD.

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **WESTERN DIVISION**

19 CPUMATE INC. and
20 GOLDEN SUN NEWS TECHNIQUES
21 CO., LTD.,

22 Plaintiffs,

23 v.

24 COOLER MASTER CO., LTD., and
25 CMI USA, INC.,

26 Defendants.

CASE NO. 5:14-CV-01116-SJO-SP
(**LEAD CASE**)

CASE NO. 2:14-CV-05259-SJO-SP
(**MEMBER CASE**)

**PLAINTIFFS' FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT IN MEMBER
CASE 2:14-CV-05259-SJO-SP AND
DEMAND FOR A TRIAL BY JURY**

Honorable S. James Otero

27
28 **FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT IN MEMBER
CASE 2:14-CV-05259-SJO-SP AND DEMAND
FOR TRIAL BY JURY**

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**CASE NO. 5:14-CV-01116-SJO-SP (LEAD)
CASE NO. 2:14-CV-05259-SJO-SP (MEMBER)**

1 Plaintiffs CpuMate Inc. and Golden Sun News Techniques Co., Ltd.
2 (“Plaintiffs”) for their First Amended Complaint against Cooler Master Co., Ltd. and
3 CMI USA, Inc. formerly known as Cooler Master USA, Inc. (collectively “Cooler
4 Master” or “Defendants”), demand a trial by jury and allege as follows:
5

6 **PARTIES**
7

8 1. Plaintiff CpuMate, Inc. is a Taiwanese company with a principal
9 address of No. 13, Wu-Chiuan 5th Rd., Wu-Ku Industrial District, Taipei Hsien
10 248, Taiwan, R.O.C. and Plaintiff Golden Sun News Techniques Co., Ltd. is a
11 Taiwanese company with a principal address of No. 60 Wucyuan Rd., Wugu
12 District, New Taipei City 248, Taiwan R.O.C.
13

14 2. On information and belief, Defendant Cooler Master Co., Ltd. is a
15 Taiwanese corporation with its principal place of business at 9F, No. 786,
16 Zhongzheng Rd., Zhonghe Dist., New Taipei City 23586, Taiwan (R.O.C.).
17

18 3. On information and belief, Defendant Cooler Master Co., Ltd., is a
19 nonresident of California who engages in business in this state, but does not
20 maintain a regular place of business in this state or a designated agent for service of
21 process in this state. On information and belief, Cooler Master Co. Ltd. resides in
22 this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises,
23 in part, out of business that Defendant Cooler Master Co., Ltd. has done in this
24 state. Defendant Cooler Master Co. Ltd. may be served with process in Taiwan
25
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1 pursuant to the Hague Convention on the Service Abroad of Judicial and
2 Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20
3 U.S.T. 361 (U.S. Treaty, 1969).
4

5 4. On information and belief, Defendant CMI USA, Inc., formerly known
6 as Cooler Master USA, Inc., is incorporated under the laws of California with its
7 principal place of business at 4820 Schaefer Avenue, Chino, CA 91710. This
8 Defendant is registered to transact business in the State of California and has
9 appointed Yung-Hao Danny Chen, located at 4820 Schaefer Avenue as its agent for
10 service of process.
11
12

13 5. On information and belief, Defendant CMI USA, Inc. regularly
14 conducts and transacts business in the United States, throughout the State of
15 California, and within the Central District of California, either by itself and/or
16 through one or more subsidiaries, affiliates, business divisions, or business units
17 and has committed acts of infringement within the meaning of 28 U.S.C. §
18 1400(b).
19
20

21 **JURISDICTION AND VENUE**

22 6. This action arises under the Patent Laws of the United States, namely,
23 35 U.S.C. §§ 1 *et seq.* This Court has exclusive subject matter jurisdiction over this
24 action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
25
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27

1 7. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c)
2 and/or 1400(b). On information and belief, Defendants Cooler Master have
3 transacted business in this district, and have committed acts of patent infringement
4 in this district by making, using, selling, and/or offering for sale heat dissipation
5 technology products which employ Plaintiffs' patented technology.
6

7
8 8. On information and belief, Defendants are subject to this Court's
9 general and specific personal jurisdiction because: Defendants have minimum
10 contacts within the State of California and the Central District of California and
11 pursuant to due process and/or the California Long Arm Statute, Defendants have
12 purposefully availed themselves of the privileges of conducting business in the
13 State of California and the Central District of California; Defendants regularly
14 conduct and solicit business within the State of California and the Central District
15 of California; and Plaintiffs' causes of action arise directly from Defendants'
16 business contacts and other activities in the State of California and the Central
17 District of California.
18
19
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21 **COUNT 1**

22 **INFRINGEMENT OF UNITED STATES PATENT NO. 8,161,644**

23
24 9. Plaintiffs are the owners of all rights, title and interest to United States
25 Patent No. 8,161,644 ("the '644 Patent") entitled "Leveling Method For Burying
26 Evaporating Section Of Heat Pipe Into Thermally Conductive Seat." The '644
27

1 Patent was issued on April 24, 2012 after a full and fair examination by the United
2 States Patent and Trademark Office. The application leading to the ‘644 Patent was
3 filed on June 3, 2009. Attached as Exhibit “A” is a copy of the ‘644 Patent.
4

5 10. The ‘644 Patent is generally directed to leveling method for burying
6 evaporating section of heat pipe into thermally conductive seat.
7

8 11. On information and belief, Defendants have been and now are
9 infringing the ‘644 Patent in the State of California, in this judicial district, and
10 elsewhere in the United States by making, using, importing, selling or offering to
11 sell devices having a leveling method for burying evaporating section of heat pipe
12 into thermally conductive seat according to the ‘644 Patent. On information and
13 belief, examples of Defendants’ products that infringe the ‘644 Patent include their
14 Hyper Series products. Defendants are thus liable for infringement of the ‘644
15 Patent pursuant to 35 U.S.C. § 271.
16
17

18 12. On information and belief, the Defendants’ accused products are
19 known by Defendants to be especially made or especially adapted for use in a
20 manner that infringes the ‘644 Patent and are not staple articles of commerce
21 capable of substantial non-infringing uses. Defendants have thereby contributed to
22 the infringement of the ‘644 Patent.
23
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25 13. On information and belief, Defendants, by their sales and/or offers for
26 sale of the accused products to third parties, have induced and continue to induce
27

1 acts by third parties that Defendants knew or should have known would constitute
2 direct infringement of the ‘644 Patent. Defendants have actively induced
3 infringement of the ‘644 Patent by designing the accused products to be capable of
4 infringement and by promoting and encouraging the use of their products by third
5 parties in ways that infringe the ‘644 Patent.
6

7
8 14. As a result of Defendants’ infringement of the ‘644 Patent, Plaintiffs
9 have suffered monetary damages in an amount not yet determined, and will
10 continue to suffer damages in the future unless Defendants’ infringing activities are
11 enjoined by this Court.
12

13 15. Unless a permanent injunction is issued enjoining Defendants and their
14 agents, servants, employees, representatives, affiliates, and all others acting on or in
15 active concert therewith from infringing the ‘644 Patent, Plaintiffs will be greatly
16 and irreparably harmed.
17

18 **COUNT II**

19
20 **INFRINGEMENT OF UNITED STATES PATENT NO. 8,387,250**

21 16. Plaintiffs are the owners of all rights, title and interest to United States
22 Patent No. 8,387,250 (“the ‘250 Patent”) entitled “Method For Embedding Heat
23 Pipe Into Heat-Conducting Seat.” The ‘250 Patent was issued on March 5, 2013
24 after a full and fair examination by the United States Patent and Trademark Office.
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1 The application leading to the ‘250 Patent was filed on November 4, 2008.
2 Attached as Exhibit “B” is a copy of the ‘250 Patent.

3
4 17. The ‘250 Patent is generally directed to a method for embedding heat
5 pipe into heat-conducting seat.

6
7 18. On information and belief, Defendants have been and now are
8 infringing the ‘250 Patent in the State of California, in this judicial district, and
9 elsewhere in the United States by making, using, importing, selling or offering to
10 sell devices having a method for embedding heat pipe into heat-conducting seat
11 according to the ‘250 Patent. On information and belief, examples of Defendants’
12 products that infringe the ‘250 Patent include their Hyper Series products.
13 Defendants are thus liable for infringement of the ‘250 Patent pursuant to 35 U.S.C.
14 § 271.
15

16
17 19. On information and belief, the Defendants’ accused products are
18 known by Defendants to be especially made or especially adapted for use in a
19 manner that infringes the ‘250 Patent and are not staple articles of commerce
20 capable of substantial non-infringing uses. Defendants have thereby contributed to
21 the infringement of the ‘250 Patent.
22

23
24 20. On information and belief, Defendants, by their sales and/or offers for
25 sale of the accused products to third parties, have induced and continue to induce
26 acts by third parties that Defendants knew or should have known would constitute
27

1 direct infringement of the '250 Patent. Defendants have actively induced
2 infringement of the '250 Patent by designing the accused products to be capable of
3 infringement and by promoting and encouraging the use of their products by third
4 parties in ways that infringe the '250 Patent.
5

6 21. As a result of Defendants' infringement of the '250 Patent, Plaintiffs
7 have suffered monetary damages in an amount not yet determined, and will
8 continue to suffer damages in the future unless Defendants' infringing activities are
9 enjoined by this Court.
10

11 22. Unless a permanent injunction is issued enjoining Defendants and their
12 agents, servants, employees, representatives, affiliates, and all others acting on or in
13 active concert therewith from infringing the '250 Patent, Plaintiffs will be greatly
14 and irreparably harmed.
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17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs CpuMate Inc. and Golden Sun News Techniques
19 Co., Ltd. respectfully request that this Court enter:
20

21 A. A judgment in favor of Plaintiffs that Defendants Cooler Master Co.,
22 Ltd. and CMI USA, Inc. have infringed the '644 Patent and the '250 Patent;
23

24 B. A permanent injunction enjoining Defendants Cooler Master Co., Ltd.
25 and CMI USA, Inc. and their officers, directors, agents, servants, affiliates,
26
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1 employees, divisions, branches, subsidiaries, parents, and all others acting in active
2 concert therewith from infringing the '644 Patent and the '250 Patent;

3
4 C. A judgment and order requiring Defendants Cooler Master Co., Ltd.
5 and CMI USA, Inc. to pay Plaintiffs their damages, costs, expenses, and
6 prejudgment and post-judgment interest for Defendants' infringement of the '644
7 Patent and the '250 Patent;

8
9 D. A judgment and order finding that this is an exceptional case within
10 the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable
11 attorneys' fees; and

12
13 E. Any and all other relief to which Plaintiffs may show themselves to be
14 entitled.

15
16 **DEMAND FOR JURY TRIAL**

17 Plaintiffs CpuMate Inc. and Golden Sun News Techniques Co., Ltd., under
18 Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues
19 so triable by right.
20

21
22 Dated: October 3, 2014

Respectfully submitted,

23 /s/ Deborah Jagai

24
25 Lewis E. Hudnell, III
26 Lead Counsel
27 Cal. State Bar No. 218736
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555 West Fifth Street, 31st Floor

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**9 CASE NO. 5:14-CV-01116-SJO-SP (LEAD)
CASE NO. 2:14-CV-05259-SJO-SP (MEMBER)**

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

CERTIFICATE OF SERVICE

The undersigned certifies that on the 3rd day of October, 2014, the foregoing document was served via electronic mail on Defendants Cooler Master Co., Ltd.'s and CMI USA, Inc.'s counsel of record, in compliance with Civil L.R. 5-3.

/s/ Deborah Jagai

Deborah Jagai