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1 2 3 4 5 6 7 8 9 10 11 12 13 14	M. ELIZABETH DAY (SBN 177125) eday@feinday.com DAVID ALBERTI (SBN 220265) dalberti@feinday.com MARC BELLOLI (SBN 244290) mbelloli@feinday.com FEINBERG DAY ALBERTI LIM & BELLOLI LLP 1600 El Camino Real, Suite 280 Menlo Park, CA 94025 Tel: 650.618.4360 Fax: 650.618.4368 NI, WANG & MASSAND, PLLC Hao Ni (<i>pro hac vice</i> to be filed) hni@nilawfirm.com 8140 Walnut Hill Lane, Suite 500 Dallas, TX 75231 Telephone: (972) 331-4600 Facsimile: (972) 314-0900 <i>Attorneys for Plaintiff</i> <i>PC Coma LLC</i>	
15	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA	
16	FOR THE NORTHERN D	
	FOR THE NORTHERN D PC COMA LLC,	
16 17	FOR THE NORTHERN D	
16 17 18	FOR THE NORTHERN D PC COMA LLC, Plaintiff,	ISTRICT OF CALIFORNIA
16 17 18 19	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v. ACER AMERICA CORPORATION,	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986
16 17 18 19 20	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v.	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986
16 17 18 19 20 21 22 23	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v. ACER AMERICA CORPORATION, Defendant.	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986
16 17 18 19 20 21 22 23 24	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v. ACER AMERICA CORPORATION, Defendant. <u>ORIGINAL</u>	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986 DEMAND FOR JURY TRIAL
16 17 18 19 20 21 22 23 24 25	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v. ACER AMERICA CORPORATION, Defendant. <u>ORIGINAL</u>	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986 DEMAND FOR JURY TRIAL
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16 17 18 19 20 21 22 23 24 25 26 27	FOR THE NORTHERN D PC COMA LLC, Plaintiff, v. ACER AMERICA CORPORATION, Defendant. This is an action for patent infringement following allegations Acer America Corporation	ISTRICT OF CALIFORNIA CASE NO. 3:19-cv-00986 DEMAND FOR JURY TRIAL

PARTIES

1. PC Coma LLC is a Texas limited liability company with a principle place of business located at 17330 Preston Rd., Suite 200D, Dallas, TX 75252.

 Upon information and belief, Acer America Corporation is a corporation formed under the laws of the State of California that has its principal place of business located at 333 W. San Carlos St., Ste. 1500, San Jose, CA 95110. On information and belief, Defendant may be served via officer or director at the address above.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district under 28 U.S.C. § 1400(b). Upon information and belief, Defendant has a regular and established place of business and has committed acts of patent infringement in this district.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this Judicial District.

INTRADISTRICT ASSIGNMENT

6. Pursuant to Local Rule 3-2(c), this case is subject to district-wide assignment because it is an Intellectual Property Action.

U.S. PATENT NO. 6,972,950

ORIGINAL COMPLAINT

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7. On December 6, 2005, United States Patent No. 6,972,950 (the "'950 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Method and Apparatus for Cooling a Portable Computer." A true and correct copy of the '950 Patent is attached hereto as Exhibit A.

Plaintiff is the owner of the '950 Patent with all rights in and to the '950 Patent.

9. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the '950 Patent, Plaintiff has complied with such requirements.

COUNT I **DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,972,950**

10. Defendant directly or through their intermediaries has been and is now infringing claim 1, 15, 16, and 17 of the '950 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale products and/or systems (Aspire E5-571G (the "Accused Instrumentality")), covered by one or more claims of the '950 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '950 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '950 Patent pursuant to 35 U.S.C. § 271(a).

11. The Accused Instrumentality infringes claim 1 of the '950 Patent. The Accused Instrumentality is a portable computer which includes: a housing; circuitry disposed within said housing and having a component; and a temperature adjusting arrangement thermally coupled to said component, said temperature adjusting arrangement including: a thermally conductive section having a side which faces in a direction approximately parallel to an axis, and which is thermally coupled to said component; and a fluid supply section disposed on a side of said thermally conductive section opposite from said component and operable to direct a fluid flow along said axis toward said thermally conductive section, said thermally conductive section causing said fluid flow to split into a plurality of

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flow portions which each flow through said thermally conductive section in a direction approximately parallel to a plane perpendicular to said axis, said flow portions exiting said thermally conductive section at a plurality of respective locations which are disposed along a substantial portion of the periphery of said thermally conductive section. *See* Ex. A-1, Figs. 1-10.

12. The Accused Instrumentality infringes claim 15 of the '950 Patent. It meets the limitations of claim 1, and further, wherein said circuitry includes a further component; and including a heatpipe disposed within said housing, said heatpipe having a first portion which is thermally coupled to said further component, and having a second portion which is spaced from said first portion and which is thermally coupled to said thermally conductive section. *See* Ex. A-1, Figs. 1-10.

13. The Accused Instrumentality infringes claim 16 of the '950 Patent. It meets the limitations of claim 1, and further, wherein said fluid supply section includes a fan that effects an air flow which is said fluid flow. *See* Ex. A-1, Figs. 1-10.

14. The Accused Instrumentality infringes claim 17 of the '950 Patent. It meets the limitations of claim 1, and further, wherein said component contains a processor. *See* Ex. A-1, Figs. 1-10.

15. As a result of Defendant's infringement of the '950 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

16. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '950 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1	a. Judgment that one or more claims of the '950 Patent have been infringed, either		
2	literally and/or under the doctrine of equivalents, by Defendant;		
3	b. Judgment that Defendant account for and pay to Plaintiff all damages and costs		
4	incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of		
5	herein;		
6	c. That Plaintiff be granted pr	e-judgment and post-judgment interest on the damages	
7 8	caused by Defendant's infringing activities and other conduct complained of herein;		
9	d. That this Court declare this an exceptional case and award Plaintiff reasonable		
10	attorneys' fees and costs in accordance with 35 U.S.C. § 285; and		
11	e. That Plaintiff be granted such other and further relief as the Court may deem just and		
12	proper under the circumstances.		
13	DATED February 22, 2019.	Respectfully submitted,	
14	Diff12D 1 coldary 22, 2017.		
15		By: <u>/s/ Marc Belloli</u> Marc Belloli	
16		ATTORNEYS FOR PLAINTIFF	
17 18		PC COMA LLC	
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20	DEMAN	D FOR JURY TRIAL	
21	Plaintiff demands trial by jury for all issues so triable pursuant to Fed. R. Civ. Pro. 38(b) and		
22	Civil L.R. 3-6(a).		
23	DATED February 22, 2019.	Respectfully submitted,	
24		By: <u>/s/ Marc Belloli</u>	
25		Marc Belloli	
26		ATTORNEYS FOR PLAINTIFF	
27		PC COMA LLC	
28			
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