

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

ICHL, LLC, d/b/a INTELLECTUAL
CAPITAL HOLDINGS LIMITED

Plaintiff,

VS.

NEC CORPORATION OF AMERICA,
SONY ELECTRONICS, INC., SONY
COMPUTER ENTERTAINMENT,
AMERICA, INC., SONY
CORPORATION OF AMERICA, and
LENOVO, INC.
Defendants.

CIVIL ACTION NO. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, ICHL, LLC, d/b/a Intellectual Capital Holdings Limited (“ICHL”) brings this action against Defendants, NEC Corporation of America (“NEC”), Sony Electronics, Inc., Sony Computer Entertainment America, Inc., Sony Corporation of America, (collectively “Sony”), and Lenovo, Inc. (“Lenovo”) and for its cause of action alleges:

THE PARTIES

1. ICHL is a Texas limited liability company with its principal place of business at 222 West Main Street, Arlington, Texas 76010. ICHL is the owner of U.S. Patent No. 4,884,631, entitled “Forced Air Heat Sink Apparatus” issued on December 5, 1989 (the “631 Patent”).

2. Upon information and belief, NEC CORPORATION OF AMERICA is a Delaware corporation, with its principal place of business at 6535 N. State Highway 161, Irving, Texas 75039-2402 USA, and is doing business in this judicial district and

elsewhere. NEC CORPORATION OF AMERICA may be served with process by serving its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 701 Brazos, Suite 1050, Austin, Texas 78701 USA.

3. Upon information and belief, SONY ELECTRONICS, INC., is a Delaware corporation with its principal place of business at 555 Madison Avenue, 8th Floor, c/o Sony Corp of America, New York, New York, 10022 USA, and is doing business in this district and elsewhere. SONY ELECTRONICS, INC. may be served with process at Corporation Service Company dba CSC – Lawyers Incorporating Service, 701 Brazos Street, Suite 1050, Austin, Texas 78701 USA.

4. Upon information and belief, SONY COMPUTER ENTERTAINMENT AMERICA, INC. is a Delaware corporation with its principal place of business at 919 East Hillsdale Boulevard, Foster City, CA 94404, and is doing business in this district and elsewhere. SONY COMPUTER ENTERTAINMENT AMERICA, INC. is a wholly owned subsidiary of SONY COMPUTER ENTERTAINMENT, INC. and may be served with process at Corporation Service Company dba CSC – Lawyers Incorporating Service, 701 Brazos Street, Suite 1050, Austin, Texas 78701 USA.

5. Upon information and belief, SONY CORPORATION OF AMERICA, is a Delaware corporation with its principal place of business at 555 Madison Avenue, 8th Floor, c/o Sony Corp of America, New York, New York, 10022 USA, and is doing business in this district and elsewhere. SONY CORPORATION OF AMERICA may be served with process at Corporation Service Company dba CSC – Lawyers Incorporating Service, 701 Brazos Street, Suite 1050, Austin, Texas 78701 USA.

6. Upon information and belief, LENOVO, INC. is a Delaware corporation with its principal place of business at 1009 Think Place, Bldg. 500, Box 29, Morrisville, North Carolina 27560, and is doing business in this district and elsewhere. LENOVO, INC. may be served with process by serving its registered agent, CT Corporation System, at 350 N. St. Paul Street, Dallas, Texas 75201.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281 and Title 28 United States Code, particularly § 1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400 (b).

CLAIM FOR PATENT INFRINGEMENT

8. On December 5, 1989, the '631 Patent, entitled "Forced Air Heat Sink Apparatus" was duly and legally issued. A copy of the '631 Patent is attached as Exhibit A and is made a part hereof. ICHL is the owner, by assignment, of the '631 Patent and possesses the right to enforce the '631 Patent.

9. The '631 Patent, in general relates to a heat sink assembly used in computers, servers, game consoles, and other consumer electronic products, to aid in the cooling of semiconductors and other electronic components.

10. Upon information and belief, Defendants sell one or more computers, servers and/or gaming consoles that contain infringing heat sinks, including but not limited to the following products: Sony computer model numbers 7742 and 7732 and RX450 and LX920, and the Sony PlayStation 2 gaming console, NEC Express 5800 Server, and Lenovo computer model 3000 J Series. By selling products that contain

infringing heat sinks, Defendants have infringed and continue to infringe directly, by inducement, or by contributing to the infringement of the claims of the '631 patent, including but not limited to claim 3.

11. As a result of Defendants' infringing conduct, Defendants have damaged ICHL. Defendants are liable to ICHL in an amount that adequately compensates ICHL for the infringement, which by law shall be no less than a reasonable royalty.

12. The infringement by Defendants Sony and NEC has been willful and deliberate.

DEMAND FOR JURY TRIAL

13. ICHL demands a jury trial on all issues triable of right by a jury.

PRAYER FOR RELIEF

14. WHEREFORE, ICHL prays for entry of judgment:

A. that all claims of U.S. Patent No. 4,884,631 have been infringed by Defendants;

B. that Defendants Sony and NEC be found liable for willful infringement of U.S. Patent No. 4,884,631 making this case exceptional and entitling ICHL to an enhanced award of up to three times its compensatory damages plus its reasonable attorneys' fees;

C. that Defendants account for and pay to ICHL all compensatory damages and costs caused by Defendants' activities complained of herein;

D. that ICHL be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' activity complained of herein;

E. that ICHL be granted its attorneys' fees in this action;

F. that costs be awarded to ICHL; and

G. that ICHL be granted such other and further relief that is just and proper under the circumstances.

Dated: April 10, 2008.

RESPECTFULLY SUBMITTED,

/s/ Robert J. Garrey

Robert J. Garrey

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