

Page 1 of 14 D.C.
 ELECTRONIC
AUGUST 1, 2008
 STEVEN M. LARIMORE
 CLERK U.S. DIST. CT.
 S.D. OF FLA. - MIAMI

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF FLORIDA
 (MIAMI DIVISION)**

SPANISH LEATHER, LLC,

Plaintiff,

v.

ASUS COMPUTER INTERNATIONAL,

Defendant.

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08-22178-CIV-COOKE/BANDSTRA

Civil Action No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Spanish Leather, LLC (“Plaintiff” or “Spanish Leather”), by and through its undersigned counsel, files this Original Complaint against Asus Computer International (“Asus”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Asus’s infringement of Plaintiff’s United States Patent No. 6,327,142 entitled “Portable Computing Device with Leather Grain Top” (the “142 patent”; a copy of which is attached hereto as Exhibit 1), United States Patent No. 6,775,130 entitled “Portable Computing Device with Leather Grain” (the “130 patent”; a copy of which is attached hereto as Exhibit 2), and United States Design Patent No. 430,155 entitled “Portable Computing Device having a Leather Grain Top” (the “155 patent”; a copy of which is attached hereto as Exhibit 3). The ‘142, ‘130, and ‘155 patents may be collectively referred to herein as the “patents-in-suit.” Plaintiff is the legal owner of the patents-in-suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff Spanish Leather, LLC is a limited liability company organized and existing under the laws of the State of Florida. Spanish Leather maintains its principal place of business at 7108 Fairway Drive, Suite 215, Palm Beach Gardens, Florida 33418. Spanish Leather is the legal owner of the patents-in-suit, and possesses all rights of recovery under the patents-in-suit, including the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant Asus Computer International is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 44370 Nobel Drive, Fremont, California 94538.

JURISDICTION AND VENUE

4. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, and 281-285.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Asus. Asus has conducted and does conduct business within the State of Florida. Asus, directly and/or through intermediaries (including subsidiaries, distributors, third party administrators, etc.), offers for sale, sells, and advertises its products and services in the United States, the State of Florida, and the Southern District of Florida. Asus, directly and/or through intermediaries, has committed the tort of patent infringement within the State of Florida, and, more particularly, within the Southern District of Florida.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND

8. On December 4, 2001, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 6,327,142, entitled “Portable Computing Device with Leather Grain Top.” Plaintiff holds all right, title, and interest in and to the ‘142 patent.

9. On August 10, 2004, the USPTO duly and legally issued United States Patent No. 6,775,130, entitled “Portable Computing Device with Leather Grain.” Plaintiff holds all right, title, and interest in and to the ‘130 patent.

10. On August 29, 2000, the USPTO duly and legally issued United States Design Patent No. 430,155, entitled “Portable Computing Device having a Leather Grain Top.” Plaintiff holds all right, title, and interest in and to the ‘155 patent.

11. Upon information and belief, Asus makes, uses, licenses, sells, offers for sale, or imports in the State of Florida, in this judicial district, and elsewhere in the United States portable computing devices that infringe the patents-in-suit.

COUNT I: INFRINGEMENT OF THE ‘142 PATENT

12. Plaintiff realleges and reincorporates by reference herein the allegations contained in Paragraphs 1 through 11.

13. Upon information and belief, Asus has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the ‘142 patent in the State of Florida, in this judicial district, and

elsewhere in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing notebook computing devices, all to the injury of Plaintiff.

14. Plaintiff has been damaged by Asus's infringement of the '142 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Asus is permanently enjoined from infringing the '142 patent.

COUNT II: INFRINGEMENT OF THE '130 PATENT

15. Plaintiff realleges and reincorporates by reference herein the allegations contained in Paragraphs 1 through 11.

16. Upon information and belief, Asus has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the '130 patent in the State of Florida, in this judicial district, and elsewhere in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing notebook computing devices, all to the injury of Plaintiff.

17. Plaintiff has been damaged by Asus's infringement of the '130 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Asus is permanently enjoined from infringing the '130 patent.

COUNT III: INFRINGEMENT OF THE '155 PATENT

18. Plaintiff realleges and reincorporates by reference herein the allegations contained in Paragraphs 1 through 11.

19. Upon information and belief, Asus has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing

to the infringement of, the '155 patent in the State of Florida, in this judicial district, and elsewhere in the United States by, among other things, making, using, licensing, selling, offering for sale, or importing notebook computing devices, all to the injury of Plaintiff.

20. Plaintiff has been damaged by Asus's infringement of the '155 patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless Asus is permanently enjoined from infringing the '155 patent.

JURY DEMAND

21. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Spanish Leather, LLC prays for the following relief against Defendants:

A. A judgment in favor of Plaintiff that Asus has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of the '142 patent;

B. A judgment in favor of Plaintiff that Asus has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of the '130 patent;

C. A judgment in favor of Plaintiff that Asus has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of the '155 patent;

D. A permanent injunction, enjoining Asus and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from

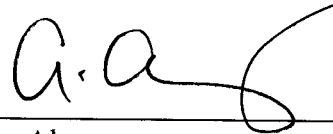
infringing, inducing the infringement of, or contributing to the infringement of the patents-in-suit;

E. A judgment and order requiring Asus to pay Plaintiff damages for the infringement of the patents-in-suit, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284; and

F. Such other and further relief in law or in equity to which Spanish Leather, LLC may be justly entitled.

Dated: August 1, 2008

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
SPANISH LEATHER, LLC**

EXHIBIT 1



US006327142B1

(12) **United States Patent**
Cronk

(10) **Patent No.:** US 6,327,142 B1
(45) **Date of Patent:** *Dec. 4, 2001

(54) **PORTABLE COMPUTING DEVICE WITH LEATHER GRAIN TOP**

(76) **Inventor:** Peter J. Cronk, 919 McElwee Rd., Moorestown, NJ (US) 08057

(*) **Notice:** This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 09/360,678

(22) **Filed:** Jul. 26, 1999

Related U.S. Application Data

(63) Continuation-in-part of application No. 29/099,171, filed on Jan. 14, 1999, which is a continuation-in-part of application No. 29/066,939, filed on Feb. 19, 1997, now Pat. No. Des. 407,386.

(51) **Int. Cl.⁷** G06F 1/16

(52) **U.S. Cl.** 361/683; 361/759; 381/87; 248/551

(58) **Field of Search** 361/683, 724-727, 361/87, 88, 309, 740, 759; 248/551-553; 312/216, 218; 70/57-58, 85; 292/42, 148, 151

(56) **References Cited**

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- "Focus—Apple unveils consumer portable computer", Yahoo! Finance, Jul. 21, 1999, pp 1-2.
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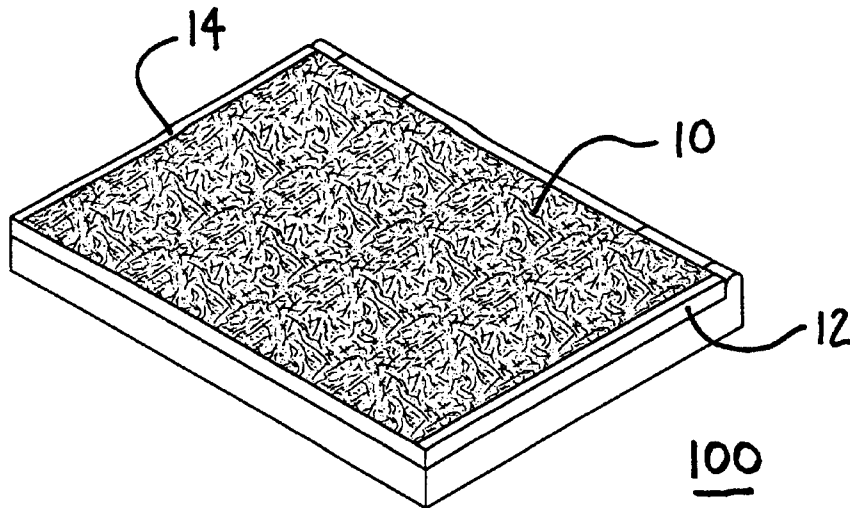
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Primary Examiner—Leo P. Picard
Assistant Examiner—Hung Van Duong
(74) *Attorney, Agent, or Firm*—Duane Morris & Heckscher LLP

(57) **ABSTRACT**

Portable computing devices, such as notebook and palm top computers are provided which include top and bottom housing portions connected by a hinge in which a set of keys is disposed in the bottom portion and a display screen is disposed in the upper portion. These devices further include a leather grain layer disposed on an exterior facing side of the top portion.

20 Claims, 2 Drawing Sheets



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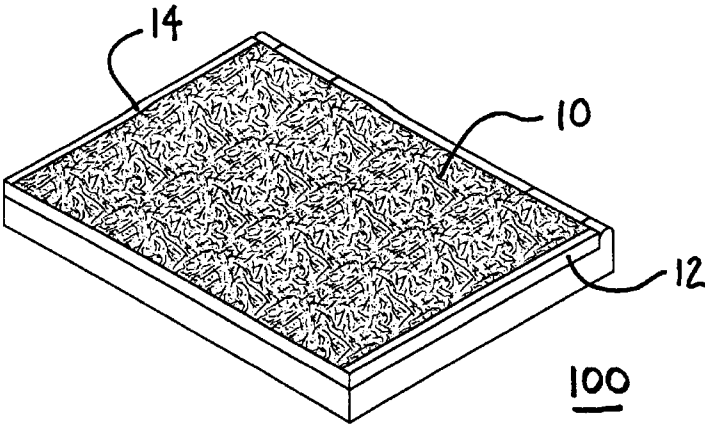


FIG. 1

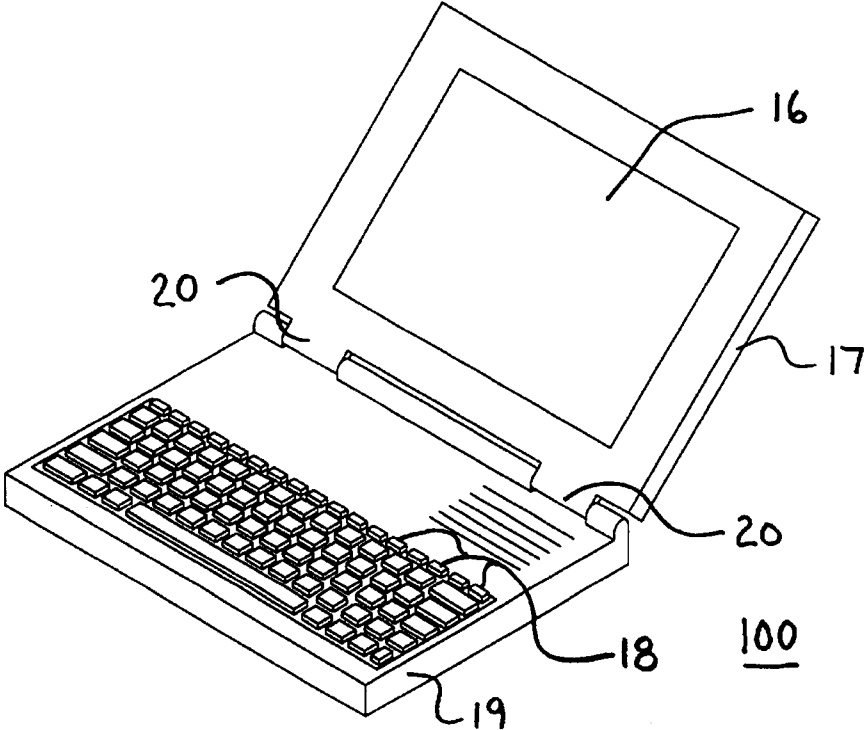


FIG. 2

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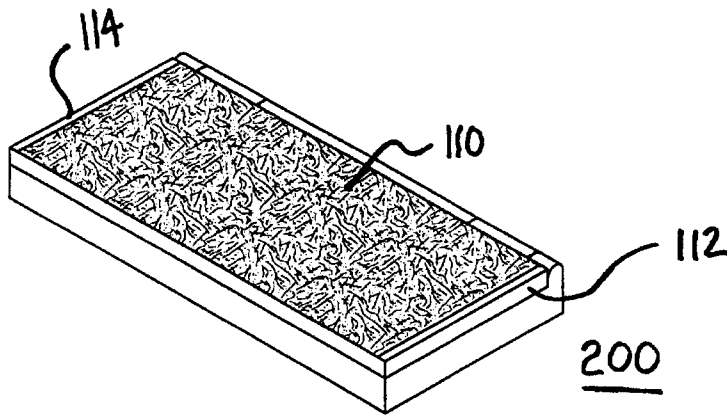


FIG. 3

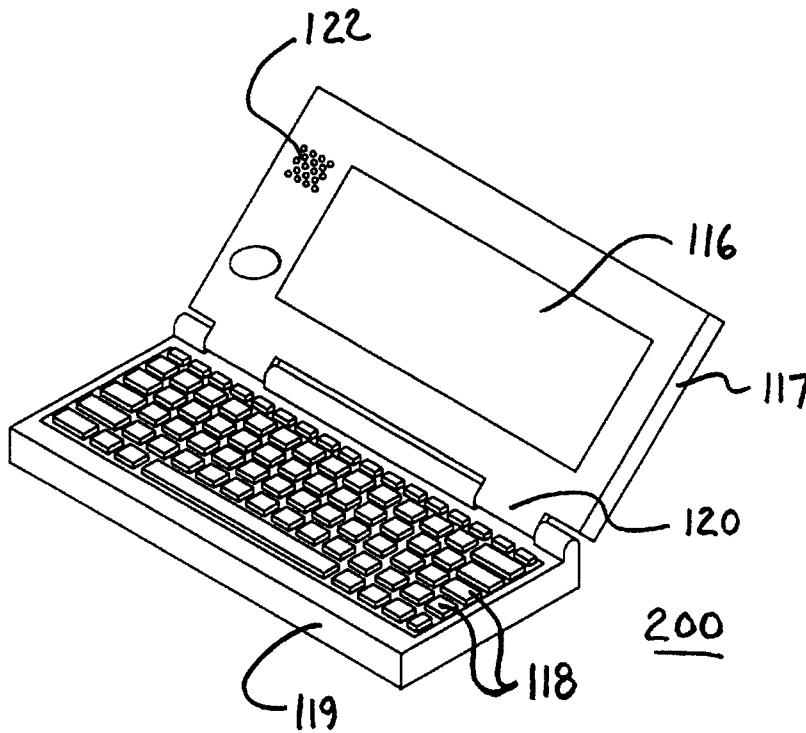


FIG. 4

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PORTABLE COMPUTING DEVICE WITH LEATHER GRAIN TOP

RELATED APPLICATION DATA

This application is a continuation-in-part of U.S. Design patent application Ser. No. 29/099,171, filed on Jan. 14, 1999, which in turn, is a continuation-in-part of U.S. Design patent application Ser. No. 29/066,939, filed on Feb. 19, 1997, now U.S. Design Pat. No. D407,386, issued on Mar. 30, 1999, which applications and patent are hereby incorporated by reference in their entirety.

BACKGROUND OF THE INVENTION

Portable personal computer shipments were expected to rise to about 18 million units in 1998. Recent market research has indicated that as the price of portable computing falls, and more and more competitors provide like features, it is getting harder and harder for manufacturers to differentiate their products in the marketplace. Most portable computing devices use a beige or charcoal colored housings. Such colors provide little or no market distinction, which has forced manufacturers to look to translucent bright colors, such as Apple Computer, Inc.'s iMac™ and iBook™, or metallic finishes, such as Packard Bell's Z1™. Such computers have been well received, but they are not very appropriate for business use.

Accordingly, there is a need for a portable computing device having an attractive or unique appearance for distinguishing itself in the marketplace, and providing the look and feel of leather.

SUMMARY OF THE INVENTION

Portable computing devices are provided by this invention which include a housing having top and bottom portions connected by a hinge. The top and bottom housing portions include an inwardly facing surface, an outwardly facing surface and a peripheral edge. A set of keys are disposed on an inwardly facing surface of the bottom portion of the housing, and a display screen is disposed on an inwardly facing surface of the top portion of the housing. The portable computing devices, include the improvement of a leather grain layer disposed on an exterior facing surface of at least the top portion of the housing.

The use of synthetic or natural leather on portable computing devices adds a luxurious and expensive looking aesthetic appearance to such devices. The leather grain layer can be disposed on a major portion of the outwardly facing surface of the top portion to provide an eye catching, upscale appearance that is perfect for the business environment. The high friction surface and texture of the leather is also easier for fingers to grip and hold.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying drawings illustrate preferred embodiments of the invention as well as other information pertinent to the disclosure, in which:

FIG. 1: is a front perspective view of a portable notebook computing device having a leather grain layer;

FIG. 2: is the portable notebook computing device of FIG. 1 in an open condition;

FIG. 3: is a hand-held portable computing device also having a leather grain top layer; and

FIG. 4: is the hand-held computing device of FIG. 3 in an open condition.

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DETAILED DESCRIPTION OF THE INVENTION

With respect to the drawings, and in particular, to the notebook computer **100** shown FIGS. 1 and 2, a description of one preferred embodiment of this invention follows. The notebook computer **100** is of a typical design, including a housing having a top portion **17** and a bottom portion **19** connected by hinge **20**. Hinge **20** has at least one hinge element, but is illustrated in FIG. 1 as having two of such elements. The top and bottom portions, also called shells because of the shallow cavities they contain, have inwardly facing surfaces and outwardly facing surfaces, and a peripheral edge. A set of keys **18** is disposed on the inwardly facing surface of the bottom housing portion **19** and a display screen **16** is disposed on an inwardly facing surface of the top housing portion **17**. In an important aspect of this invention, a leather grain layer **10** is disposed on the exterior facing surface of the top portion of the housing **17**. In the embodiment shown in FIG. 1, a pair of lateral edges **12** and **14** are provided which can be non-ornamental or smooth in appearance. This is optional, since the top can contain a partial or a full leather grain, and the shell can be provided in a variety of shapes and sizes, with curved or square edges and/or comers.

It will be apparent to one of ordinary skill in the art that the leather grain layer **10** of this invention can be a natural leather or a synthetic leather material, such as embossed vinyl. The leather grain ideally exhibits a random grain pattern such as that exhibited by natural leather. It is envisioned that one of ordinary skill in the art will be able to use leather and leather-like materials of known sources, with the ability to bind these materials to the upper housing portion **117** in a conventional manner, such as by adhesive, heat sealing or ultrasonic welding, for example.

The portable computing device of this invention may be embodied by a hand-held or "palmtop" computing device **200** as shown in FIGS. 3 and 4. Such devices are known to have a great deal of computing power, but generally have a smaller keyboard **118** and display screen **116** located in the lower housing portion **119** and upper housing portion **117**, respectively. Hand-held devices also may include, for example, a series of apertures **122** in the housing for a speaker or microphone, for example.

As with the previous notebook embodiment **100**, the hand-held computing device **200** can include a pair of optional smooth lateral edges **112** and **114**. Such lateral edges can be helpful in protecting the edge of the leather grain layer from being damaged or delaminated due to heavy use or contact with hard surfaces.

From the foregoing, it can be realized that this invention provides portable computing devices having a leather grain top for providing a distinctive appearance, better tactile feel and gripping capability, a more luxurious feel and better marketing distinction. Although various embodiments have been illustrated, this was for the purpose of describing, but not limiting the invention. Various modifications which will become apparent to one skilled in the art, are within the scope of this invention described in the attached claims.

What is claimed:

1. A portable computing device comprising:

a housing having top and bottom portions connected by a hinge, said top and bottom housing portions having an inwardly facing surface, an outwardly facing surface and a peripheral edge said outwardly facing surface having a central planar surface bordered by a pair of raised lateral side edges said outwardly facing surface

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having a central planer surface bordered by a pair of raised lateral side edges;

a set of keys disposed on an inwardly facing surface of said bottom portion;

a display screen disposed on an inwardly facing surface of said top portion; and

a leather grain layer disposed between said pair of raised lateral side edges on said central planer surface.

2. The portable computing device of claim 1, wherein said leather grain layer is disposed on a major portion of said outwardly facing surface of said top portion of said housing.

3. The portable computing device of claim 1, wherein said leather grain layer comprises a random grain pattern.

4. The portable computing device of claim 1, wherein said outwardly facing surface of said top portion of said housing comprises at least one of said pair of lateral side edges has a surface area less than the surface area of said leather grain layer.

5. The portable computing device of claim 1, wherein said leather grain layer is located at least on a substantial portion of said outwardly facing surface of said top portion of said housing.

6. The portable computing device of claim 1, wherein said leather grain layer comprises natural or synthetic leather.

7. The portable computing device of claim 4, wherein said at least one of said pair of lateral side edges is smoother in texture than said leather grain layers.

8. A portable computing device comprising:

a housing having top and bottom shell portions hingedly connected along a rear edge of said shell portions, each of said shell portions having an outwardly facing surface and an inwardly facing surface, said inwardly facing surfaces facing one another when said top and bottom shell portions are swivelled along said hinge into a closed position, said top shell portion having disposed thereon a pair of raised side edge portions;

a set of keys located on said inwardly facing surface of said bottom shell portion;

a display screen located on said inwardly facing surface of said top shell portion; and

a leather grain layer disposed between said pair of raised side edge portions on an outwardly facing surface of said top shell portion.

9. The portable computing device of claim 8 wherein said leather grain layer comprises natural leather.

10. The portable computing device of claim 8 wherein said side edge portions do not exhibit a leather grain.

11. A portable computing device comprising:

a housing having top and bottom shell portions hingedly connected proximate to a rear edge region of said shell

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portions, each of said shell portions having an outwardly facing surface and an inwardly facing surface, said inwardly facing surfaces facing one another when the top and bottom shell portions are swiveled along said hinge into a closed position;

a set of keys located on an inwardly facing surface of said bottom shell portion;

a display screen located on an inwardly facing surface of said top shell portion; and

a leather grain layer disposed on an outwardly facing surface of said top shell portion; said top shell portion comprising a pair of raised lateral side edge portions bordering said leather grain layer on opposing sides of said top shell portion, said raised lateral side edge portions configured to help in protecting an edge of the leather grain layer from being damaged or delaminated due to heavy use or contact with hard surfaces.

12. The portable computing device of claim 11 wherein said leather grain layer is disposed directly onto said outwardly facing surface of said top shell portion, without any intermediate structural layers.

13. The portable computing device of claim 11 wherein said portable computing device comprises a hand-held or palmtop computing device.

14. The portable computing device of claim 11 wherein said raised lateral side edge portions comprise a smooth surface.

15. The portable computing device of claim 11 wherein said raised lateral side edge portions comprise a top surface which is at least substantially coplanar with said leather grain layer and a side surface which is coextensive with the lateral sides of said outwardly facing surface of said top shell portion.

16. The portable computing device of claim 11 wherein said leather grain layer comprises natural or synthetic leather.

17. The portable computing device of claim 11 wherein said leather grain layer provides a better tactile feel for greater gripping capability.

18. The portable computing device of claim 12 wherein said leather grain layer is applied to said outwardly facing surface of said top shell portion by adhesive, heat sealing or ultrasonic welding.

19. The portable computing device of claim 13 wherein said hand-held or palmtop computing device comprises a speaker or microphone.

20. The portable computing device of claim 13 wherein said top shell portion comprises a curved edge or corner.

* * * * *

EXHIBIT 2



US006775130B2

(12) **United States Patent**
Cronk

(10) **Patent No.:** **US 6,775,130 B2**
(45) **Date of Patent:** **Aug. 10, 2004**

(54) **PORTABLE COMPUTING DEVICE WITH LEATHER GRAIN**

(76) Inventor: **Peter J. Cronk**, 919 McElwee Rd., Moorestown, NJ (US) 08057

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/413,097**

(22) Filed: **Apr. 14, 2003**

(65) **Prior Publication Data**

US 2003/0206396 A1 Nov. 6, 2003

Related U.S. Application Data

(63) Continuation of application No. 10/002,559, filed on Nov. 1, 2001, now abandoned, which is a continuation of application No. 09/360,678, filed on Jul. 26, 1999, now Pat. No. 6,327,142, which is a continuation-in-part of application No. 29/099,171, filed on Jan. 14, 1999, now Pat. No. Des. 430,155, which is a continuation-in-part of application No. 29/066,939, filed on Feb. 19, 1997, now Pat. No. Des. 407,386.

(51) **Int. Cl.**⁷ **G06F 1/16**

(52) **U.S. Cl.** **361/683; 361/759; 381/87; 248/551**

(58) **Field of Search** **361/683, 724-727, 361/87-88, 309, 740, 759; 248/551-553; 312/216, 218**

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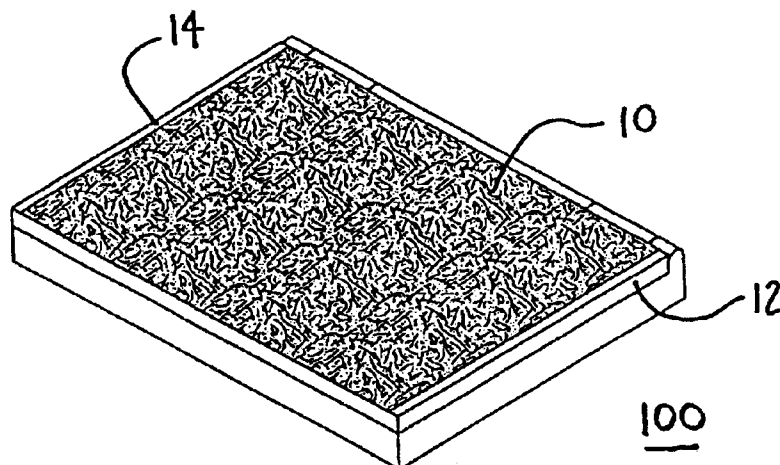
* cited by examiner

Primary Examiner—Hung Van Duong
 (74) *Attorney, Agent, or Firm*—Duane Morris LLP

(57) **ABSTRACT**

Portable computing devices, such as notebook and palm top computers are provided which include top and bottom housing portions connected by a hinge. These devices further include a leather grain layer adhered, heat sealed or ultrasonically welded to the housing.

4 Claims, 2 Drawing Sheets



U.S. Patent

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Sheet 1 of 2

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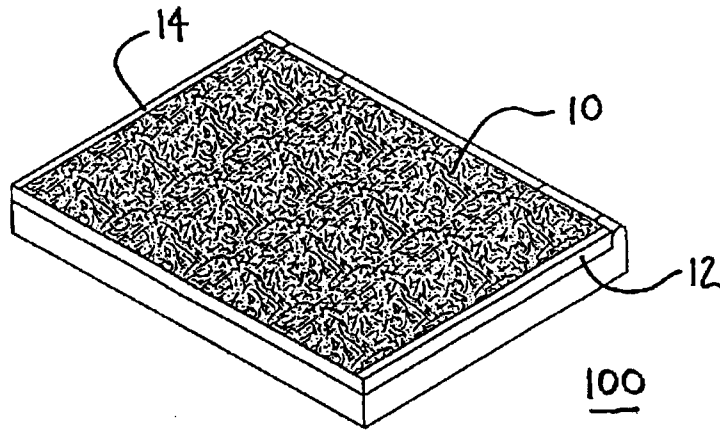


FIG. 1

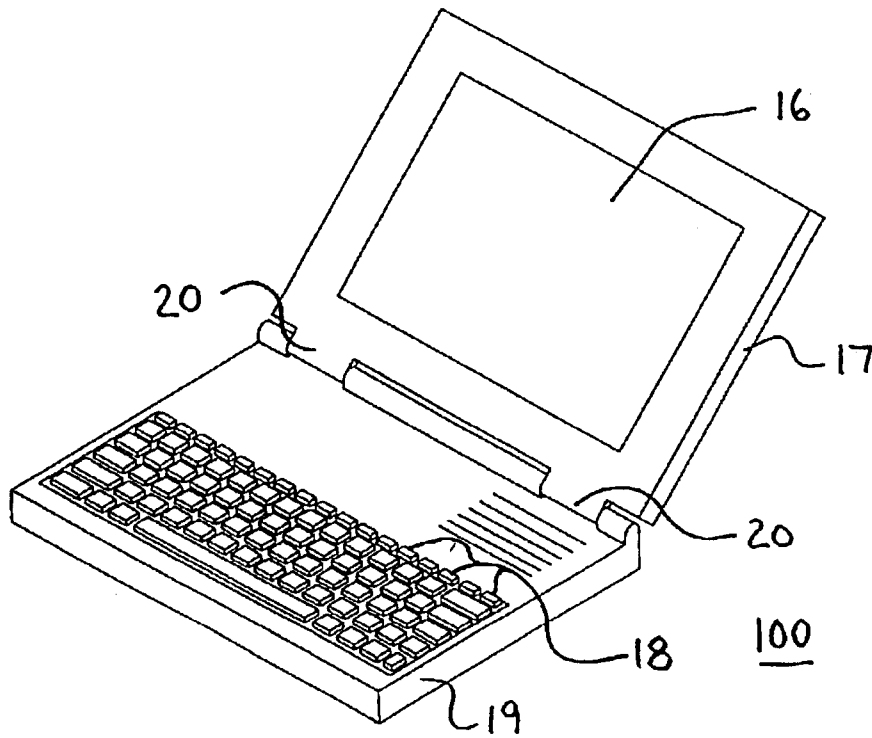


FIG. 2

U.S. Patent

Aug. 10, 2004

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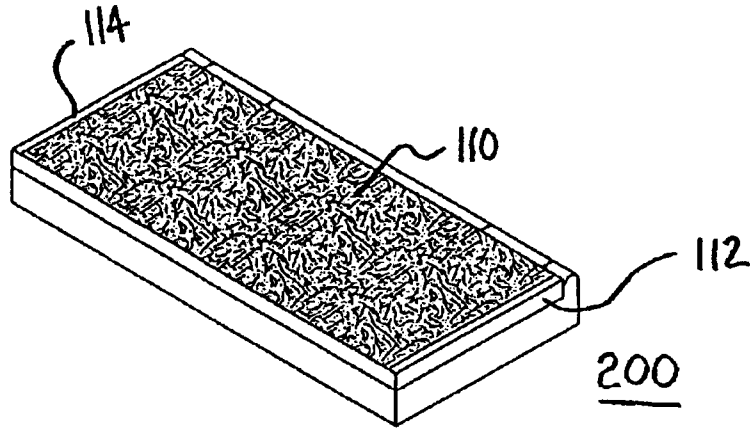


FIG. 3

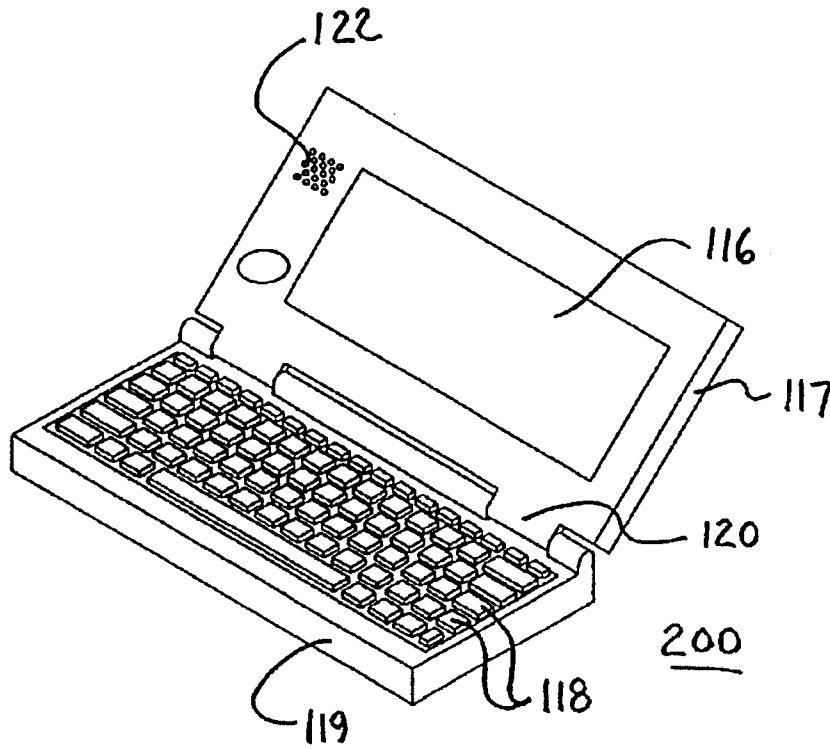


FIG. 4

US 6,775,130 B2

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PORTABLE COMPUTING DEVICE WITH LEATHER GRAIN

RELATED APPLICATION DATA

This application is a continuation of U.S. patent application Ser. No. 10/002,559, filed Nov. 1, 2001, now abandoned which is a continuation of U.S. patent application Ser. No. 09/360,678, filed Jul. 26, 1999, now U.S. Pat. No. 6,327,142, which is a continuation-in-part of U.S. Design patent application Ser. No. 29/099,171, filed on Jan. 14, 1999, now U.S. Pat. No. D430,155, which in turn, is a continuation-in-part of U.S. Design patent application Ser. No. 29/066,939, filed on Feb. 19, 1997, now U.S. Design Pat. No. D407,386, issued on Mar. 30, 1999, which applications and patent are hereby incorporated by reference in their entirety.

BACKGROUND OF THE INVENTION

Portable personal computer shipments were expected to rise to about 18 million units in 1998. Recent market research has indicated that as the price of portable computing falls, and more and more competitors provide like features, it is getting harder and harder for manufacturers to differentiate their products in the marketplace. Most portable computing devices use a beige or charcoal colored housings. Such colors provide little or no market distinction, which has forced manufacturers to look to translucent bright colors, such as Apple Computer, Inc.'s iMac™ and iBook™, or metallic finishes, such as Packard Bell's Z1™. Such computers have been well received, but they are not very appropriate for business use.

Accordingly, there is a need for a portable computing device having an attractive or unique appearance for distinguishing itself in the marketplace, and providing the look and feel of leather.

SUMMARY OF THE INVENTION

Portable computing devices are provided by this invention which include a housing having top and bottom portions connected by a hinge. The top and bottom housing portions include an inwardly facing surface, an outwardly facing surface and a peripheral edge. A set of keys are disposed on an inwardly facing surface of the bottom portion of the housing, and a display screen is disposed on an inwardly facing surface of the top portion of the housing. The portable computing devices, include the improvement of a leather grain layer adhered, heat sealed or ultrasonically welded to a shell portion of the housing.

The use of synthetic or natural leather on portable computing devices adds a luxurious and expensive looking aesthetic appearance to such devices. The leather grain layer can be disposed on a major portion of the outwardly facing surface of the top portion to provide an eye catching, upscale appearance that is perfect for the business environment. The high friction surface and texture of the leather is also easier for fingers to grip and hold.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying drawings illustrate preferred embodiments of the invention as well as other information pertinent to the disclosure, in which:

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FIG. 1: is a front perspective view of a portable notebook computing device having a leather grain layer;

FIG. 2: is the portable notebook computing device of FIG. 1 in an open condition;

FIG. 3: is a hand-held portable computing device also having a leather grain top layer; and

FIG. 4: is the hand-held computing device of FIG. 3 in an open condition.

DETAILED DESCRIPTION OF THE INVENTION

With respect to the drawings, and in particular, to the notebook computer **100** shown FIGS. 1 and 2, a description of one preferred embodiment of this invention follows. The notebook computer **100** is of a typical design, including a housing having a top portion **17** and a bottom portion **19** connected by hinge **20**. Hinge **20** has at least one hinge element, but is illustrated in FIG. 1 as having two of such elements. The top and bottom portions, also called shells because of the shallow cavities they contain, have inwardly facing surfaces and outwardly facing surfaces, and a peripheral edge. A set of keys **18** is disposed on the inwardly facing surface of the bottom housing portion **19** and a display screen **16** is disposed on an inwardly facing surface of the top housing portion **17**. In one embodiment of this invention, a leather grain layer **10** is disposed on the exterior facing surface of the top portion of the housing **17**. In the embodiment shown in FIG. 1, a pair of lateral edges **12** and **14** are provided which can be non-ornamental or smooth in appearance. This is optional, since the top can contain a partial or a full leather grain, and the shell can be provided in a variety of shapes and sizes, with curved or square edges and/or corners.

It will be apparent to one of ordinary skill in the art that the leather grain layer **10** of this invention can be a natural leather or a synthetic leather material, such as embossed vinyl. The leather grain ideally exhibits a random grain pattern such as that exhibited by natural leather. It is envisioned that one of ordinary skill in the art will be able to use leather and leather-like materials of known sources, with the ability to bind these materials to the upper housing portion **117** in a conventional manner, such as by adhesive, heat sealing or ultrasonic welding, for example.

The portable computing device of this invention may be embodied by a hand-held or "palmtop" computing device **200** as shown in FIGS. 3 and 4. Such devices are known to have a great deal of computing power, but generally have a smaller keyboard **118** and display screen **116** located in the lower housing portion **119** and upper housing portion **117**, respectively. Hand-held devices also may include, for example, a series of apertures **122** in the housing for a speaker or microphone, for example.

As with the previous notebook embodiment **100**, the hand-held computing device **200** can include a pair of optional smooth lateral edges **112** and **114**. Such lateral edges can be helpful in protecting the edge of the leather grain layer from being damaged or delaminated due to heavy use or contact with hard surfaces.

From the foregoing, it can be realized that this invention provides portable computing devices having a leather grain

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for providing a distinctive appearance, better tactile feel and gripping capability, a more luxurious feel and better marketing distinction. Although various embodiments have been illustrated, this was for the purpose of describing, but not limiting the invention. Various modifications which will become apparent to one skilled in the art, are within the scope of this invention described in the attached claims.

What is claimed:

1. A portable computing device of the type having a key board and a display screen, comprising:

a housing having top and bottom shell portions hingedly connected along a rear edge of said shell portions, each of said shell portions having an outwardly facing surface and an inwardly facing surface, said inwardly facing surfaces facing one another when said top and

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bottom shell portions are swiveled along said hinge into a closed position, said top shell portion, said bottom shell portion, or both, having disposed thereon a leather grain layer which is bonded thereto by adhesive, heat sealing or ultrasonic welding.

2. The portable computing device of claim 1 wherein said leather grain layer comprises natural leather or synthetic leather material bonded directly to said top shell portion.

3. The portable computing device of claim 1 wherein said leather grain layer is disposed on an outwardly facing surface of one of said shell portions.

4. The portable computing device of claim 1 wherein said device is a notebook or palmtop computer.

* * * * *

EXHIBIT 3



US00D430155S

United States Patent [19]
Cronk

[11] **Patent Number: Des. 430,155**

[45] **Date of Patent: ** Aug. 29, 2000**

[54] **PORTABLE COMPUTING DEVICE HAVING
A LEATHER GRAIN TOP**

D. 407,386 3/1999 Cronk D14/327

[76] Inventor: **Peter J. Cronk**, 919 McElwee Rd.,
Moorestown, N.J. 08057

Primary Examiner—Freda Nunn
Attorney, Agent, or Firm—Duane Morris & Heckscher, LLP

[**] Term: **14 Years**

[57] **CLAIM**

The ornamental design for a portable computing device having a leather grain top, as shown and described.

[21] Appl. No.: **29/099,171**

[22] Filed: **Jan. 14, 1999**

DESCRIPTION

Related U.S. Application Data

[63] Continuation-in-part of application No. 29/066,939, Feb. 19, 1997, Pat. No. Des. 407,386.

FIG. 1 is a top front and right side perspective view of a portable computing device having a leather grain top, showing my new design, the undisclosed bottom and back side views are not being claimed as part of the design, the left side, being a mirror image of the right side, is also not shown;

[51] **LOC (7) Cl.** **14-02**

[52] **U.S. Cl.** **D14/327**

[58] **Field of Search** D14/318-328,
D14/315; D18/7; 345/104, 156, 168, 169,
173; 364/708.1; D5/20, 28, 58, 61, 62,
99

FIG. 2 is a second embodiment of a portable computing device having a leather grain top, showing my new design, the undisclosed bottom and back side views are not being claimed as part of the design, the left side, being a mirror image of the right side, is also not shown; and,

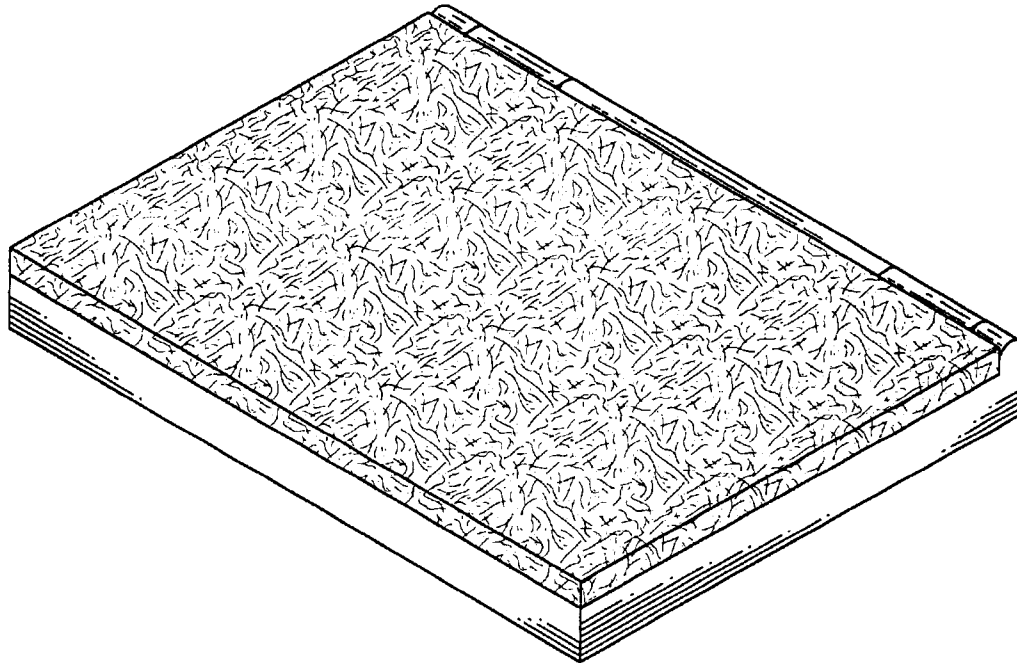
[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 114,258 4/1939 Becker et al. .
- D. 321,866 11/1991 Newhouse .
- D. 343,167 1/1994 Mizusugi et al. .

FIG. 3 is a third embodiment of a portable computing device having a leather grain top, showing my new design, the undisclosed bottom and back side views are not being claimed as part of the design, the left side, being a mirror image of the right side, is also not shown.

1 Claim, 3 Drawing Sheets



U.S. Patent

Aug. 29, 2000

Sheet 1 of 3

Des. 430,155

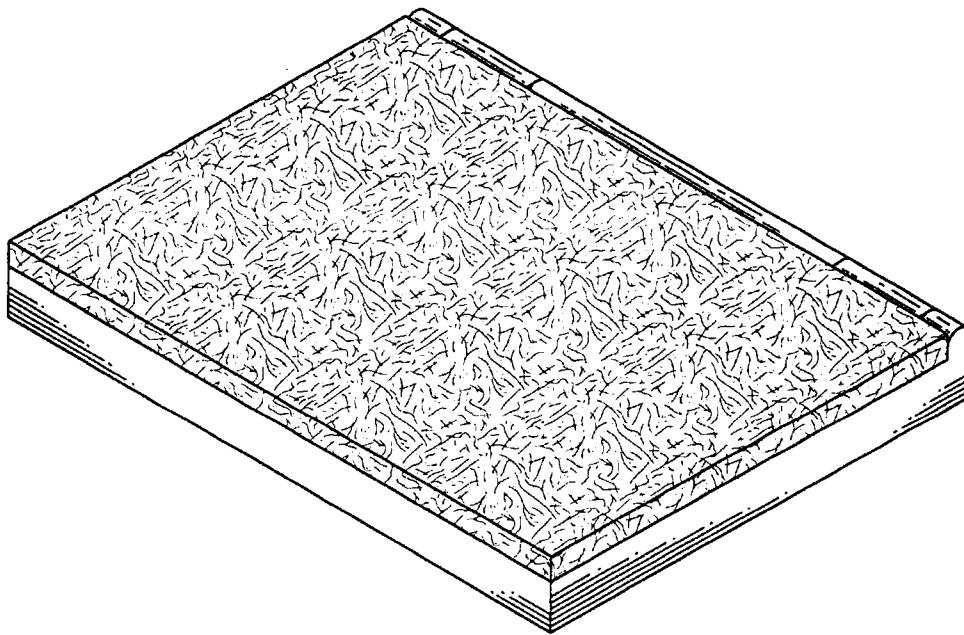


FIG. 1

U.S. Patent

Aug. 29, 2000

Sheet 2 of 3

Des. 430,155

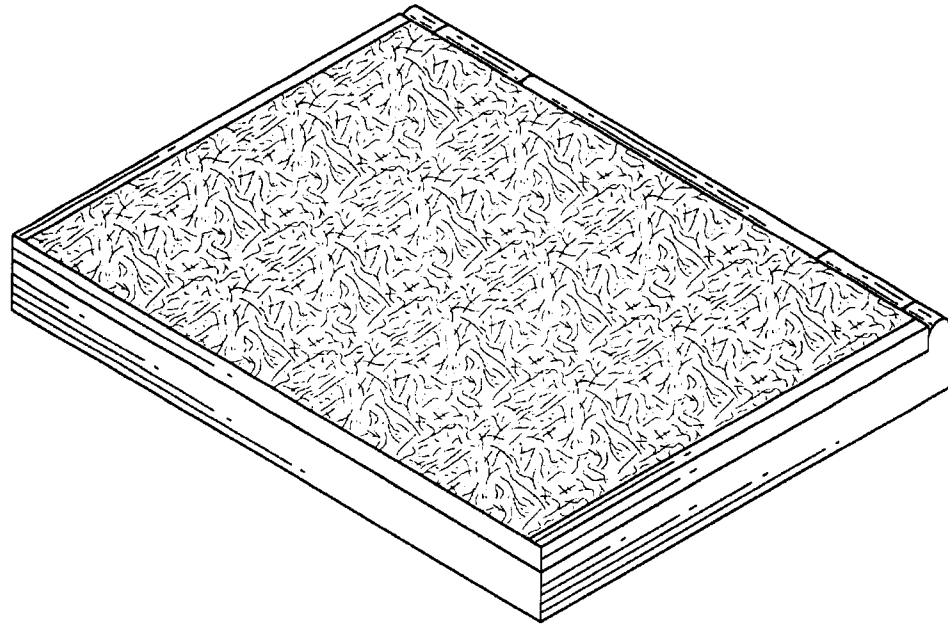


FIG. 2

U.S. Patent

Aug. 29, 2000

Sheet 3 of 3

Des. 430,155

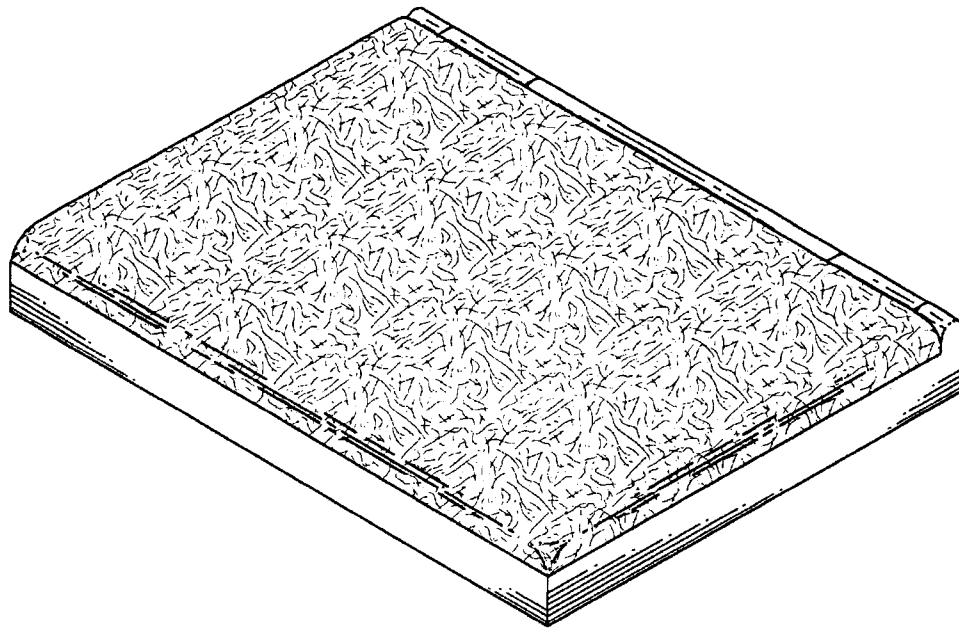


FIG. 3

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

AUGUST 1, 2008

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases**

I. (a) PLAINTIFFS

Spanish Leather, LLC

(b) County of Residence of First Listed Plaintiff Palm Beach, Florida
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

The Alvarez Law Firm
355 Palermo Avenue
Coral Gables, Florida 33134, Telephone Number: (305) 444-7675

DEFENDANTS

Asus Computer International

County of Residence of First Listed Defendant Alameda, California
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity (Indicate Citizenship of Parties in Item III)

Dade 08cv 22178 - work / Bandstra

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Open or Subject to a Bankruptcy Proceeding in a Foreign Country | | | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Re-filed (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE

DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Title 35 U.S.C. Section 1 et seq., including 35 U.S.C. Section 271, and 281-285; patent infringement

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

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[Signature]

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