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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MALICO INC.,

Plaintiff,

v.

COOLER MASTER USA INC.,

Defendant.

Cause No.

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Malico Inc. (“Malico”) complains of Defendant as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Malico is a foreign corporation with its principal place of business at No.5, Ming-Lung Road, Yang-Mei, Tao-Yuang 32663, Taiwan. Malico is the named assignee of, owns all right, title, and interest in, and has standing to sue for infringement of U.S. Patent No. 6,476,484 (the ‘484 patent), entitled “Heat Sink Dissipator for Adapting to Thickness Change of a Combination of a CPU and a CPU Carrier” filed August 8, 2001 and issued November 5, 2002 (copy attached as Exhibit A);

1 3. Defendant Cooler Master USA Inc. is a California corporation with a principal
2 place of business in Chino, California. Upon information and belief, Defendant Cooler
3 Master USA Inc. (“Cooler Master”) is a wholly owned subsidiary of Cooler Master Co., Ltd.,
4 a Taiwanese company with headquarters and principal place of business at 9F, No. 786,
5 Chung Cheng Road, Chung Ho City, Taipei, Taiwan, R.O.C. Upon information and belief,
6 Cooler Master is in the business of developing, manufacturing, and distributing computer
7 cooling components, including heat sink devices, and transacts business and has directly or
8 indirectly sold and/or caused to be distributed to customers in this judicial district and
9 throughout the State of Washington products and/or services that infringe one or more claims
10 of the ‘484 patent.

11 **JURISDICTION AND VENUE**

12 4. This Court has exclusive jurisdiction over the subject matter of this Complaint
13 under 28 U.S.C. §§ 1338(a).

14 5. Personal jurisdiction over the Defendant is proper in this Court. Venue in this
15 judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

17 **DEFENDANT’S ACTS OF PATENT INFRINGEMENT**

18 6. Defendant Cooler Master has been and is directly infringing Claims 1 and 2 of
19 the ‘484 Patent under 35 U.S.C. §271(a) by providing to customers, including customers in
20 this judicial district, heat sink products constructed in accordance with those claims by
21 making, offering for sale, selling, using and/or importing these devices into the United States.
22 Upon information and belief, infringing devices made, offered for sale, sold, or imported into
23 the United States by Defendant Cooler Master include, by way of example but not limitation,
24 Cooler Master Model Number ECB-00101-01-GP. Cooler Master has also infringed the ‘484
25 patent under 35 U.S.C. §271(b) by knowingly and actively inducing others to infringe through
26 the sale, distribution and use of such heat sink devices.

1 7. Cooler Master's direct infringement and inducement to infringe have been
2 willful and have deliberately injured and will continue to injure Malico unless and until the
3 Court enters an injunction prohibiting further infringement and, specifically, enjoining further
4 manufacture, use, importation, sale and/or offer for sale of products that fall within the scope
5 of the '484 patent claims.

6
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Malico asks this Court to enter judgment against Defendant and
9 against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert
10 or participation with them, granting the following relief:

11 A. An award of damages adequate to compensate Malico for the infringement that
12 has occurred, together with prejudgment interest from the date infringement of the '484 patent
13 began;

14 B. Increased damages as permitted under 35 U.S.C. § 284;

15 C. A finding that this case is exceptional and an award to Malico of its attorneys'
16 fees and costs as provided by 35 U.S.C. § 284;

17 D. A permanent injunction prohibiting further infringement, inducement and
18 contributory infringement of the '484 patent; and

19 E. Such other and further relief as this Court or a jury may deem proper and just.
20

21 **JURY DEMAND**

22 Malico demands a trial by jury on all issues presented in this Complaint.

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Dated this 26th day of May, 2009.

Respectfully submitted,

/s/ Philip P. Mann
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