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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

| | |
|---|---|
| **THERMAPAK TECHNOLOGIES, INC., a California Corporation; Wei Xiong, an individual,**<br><br>**Plaintiffs,**<br><br>**v.**<br><br>**TARGET BRANDS, INC., a Minnesota Corporation; FUSION ACCESSORIES, INC., a California Corporation; NET IMPACT, a Hong Kong Company; and DOES 1-9, inclusive.**<br><br>**Defendants.** | **CASE NO.:** CV09 07845 CBM (CTx)<br><br>**COMPLAINT FOR PATENT INFRINGEMENT**<br><br>**JURY TRIAL DEMANDED** |

Plaintiffs for their complaint against Defendants allege as follows:

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**The Parties**

1. Plaintiff THERMAPAK TECHNOLOGIES, INC is a California Corporation located in Pasadena, California and the exclusive licensee including the right to sue infringers of the Xiong U.S. Patent No. 7,324,340 entitled "Conductive Cooling Pad for Use with a Laptop Computer" ("the '340 patent"), a copy of which is attached at Exhibit A.

2. Co-Plaintiff Wei XIONG ("Xiong") is the inventor of the claimed subject matter of the '340 patent and owner of the patent.

3. Upon information and belief, Defendant TARGET BRANDS, INC. is a corporation organized and existing under the laws of the State of Minnesota with its principal place of business at 1000 Nicollet Mall, TPS-3165, Minneapolis, MN 55403, tel. (612) 696-6911, engaged in importing, distributing and selling a wide variety of consumer products nationwide including throughout California and in this judicial district ("Target").

4. Upon information and belief, Co-Defendant FUSION ACCESSORIES, INC. is a corporation organized and existing under the laws of the State of California with its principal place of business at 36 Maple Place, 2nd Floor, Manhasset, NY 11030, engaged in importing, distributing and selling consumer products ("Fusion").

5. Upon information and belief, Co-Defendant NET IMPACT is a company organized and existing under the laws of Hong Kong with its principal place of business at 19/f., Comweb Plaza, 12 Cheung Yue Street Kowloon, Hong Kong, engaged in exporting, distributing and selling consumer products ("Net Impact").

6. The true names and capacities of Defendants DOES 1-9 inclusive, are unknown to Thermapak Technologies, who therefore sues them by such fictitious names. Thermapak Technologies will seek leave to amend this complaint to allege their true names and capacities when they have been ascertained. Thermapak Technologies is informed and believes and thereon alleges that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged and that Thermapak Technologies' damages as herein alleged were proximately caused by those Defendants. At all times herein mentioned, Defendants DOES 1-9 inclusive were the agents, servants, employees or attorneys of their co-defendants, and in doing the things hereinafter alleged were acting within the course and scope of their authority as those agents, servants, employees or attorneys, and with the permission and consent of their co-defendants.

**Jurisdiction And Venue**

7. This is an action under 35 U.S.C. §§ 271 et seq. for patent infringement. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) as a federal question arising under the patent laws of the United States. This Court has personal jurisdiction over Defendants under the appropriate provisions of California law because upon they are engaged in offering for sale and selling the accused infringing products in this judicial district, upon information and belief in substantial numbers. Defendant Target is believed subject to general jurisdiction in California. Defendant Fushion being a California corporation is subject to suit in this state. Defendant New Impact being a foreign entity is subject to being sued in California.

8. Venue is proper in this district pursuant to 28 U.S.C. 1400(b) and associated case law because the corporate Defendants "reside" in this judicial district by being subject to personal jurisdiction here, and Defendant Target has

committed acts of infringement from its regular and established places of business in Los Angeles County, California.

**Background Facts**

9. Plaintiffs created the patented ThermaPAK® Laptop Cooler pad with Heatshift™ technology for dissipating heat from a laptop computer while in use. The cooling pad contains a phase changing compound, such that when placed under the laptop it effectively transfers heat away from the computer and prevents passage onto the user. The product was recently exhibited at the 2009 International CES and MacWorld trade shows, and has received critical acclaim for its innovative design. See information from Plaintiffs' website www.thermapak.com at Exhibit B.

10. Unfortunately, the popular ThermaPAK® Laptop Cooler has been copied by imitators a number of times over the years, and when confronted each time the offenders have agreed to cease distribution of "knock offs" into the U.S. Accordingly, the industry accepts the '340 patent and respects its validity.

11. Defendants are making, importing, offering to sell and/or selling products they call a Cooling Lapdesk which read on the claims of the '340 patent. Defendants' product closely resembles the patented ThermoPAK® Laptop Cooler with the addition of a foam insert. This accused infringing product was recently purchased at a Target store in Rosemead, California. See photographs of accused product and sales receipt at Exhibits C, D.

12. Upon being contacted by Plaintiffs' counsel, Defendants have thus far refused to acknowledge the patent, cease sales and/or compensate Plaintiffs for the infringement that has occurred.

**FIRST CAUSE OF ACTION**

**Infringement of the '340 Patent, 35 USC Sec. 271**

**(Plaintiffs Against All Defendants)**

13. Plaintiffs reallege the allegations of Paragraphs 1 through 12 as though fully set forth herein.

14. The '340 patent was duly and lawfully issued on January 29, 2008 by the United States Patent and Trademark Office and the patent remains in force.

15. Thermapak Technologies has continuously marked products that embody the claims of the '340 patent pursuant to 35 U.S.C. § 287.

16. Defendants have caused to be manufactured, imported, offered to sell and sold products which infringe one or more claims of the '340 patent.

17. In addition to their direct infringement of the patent, Defendants also induce and contribute to the infringement of others and are liable as indirect infringers as well.

18. Plaintiffs have been irreparably and monetarily damaged by Defendants' infringement of the '340 patent. If Defendants' infringement is not preliminarily and permanently enjoined, Plaintiffs will continue to be irreparably and monetarily damaged.

19. Upon information and belief, Defendants' conduct was objectively unreasonable meaning their infringement of the '340 patent was willful, subject to discovery and proof at trial.

20. Assuming willfulness is found, this is an exceptional case warranting the award of treble damages and attorneys' fees.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following:

1. Judgment that Plaintiffs' '340 patent is valid and enforceable;

2. Judgment that Defendants have infringed the '340 patent;

3. Judgment that Defendants' infringement was willful;

4. A permanent injunction prohibiting Defendants from making, importing, using, offering to sell and selling the Cooling Lapdesk products or any products which infringe the '340 patent, and that they be prohibited from aiding, abetting or assisting others in acts of infringement;

5. Damages for infringement of the '340 patent, according to proof;

6. Treble damage for willful infringement of the '340 patent;

7. Judgment that this is an exceptional case, entitling Plaintiffs to an award of attorneys' fees under 35 U.S.C. §285;

8. Reasonable attorney's fees and costs of suit; and,

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9. Such other relief as the Court deems just and proper.

Dated: Oct. 26, 2009

LAUSON & TARVER LLP

By: _____
Robert J. Lauson, Esq.,
Attorneys for Plaintiffs

**JURY TRIAL DEMAND**

Plaintiffs request a trial by jury on all claims asserted.

Dated: Oct. 28, 2009

LAUSON & TARVER LLP

By: _____
Robert J. Lauson, Esq.,
Attorneys for Plaintiffs

US007324340B2

(12) **United States Patent**
**Xiong**

(10) **Patent No.: US 7,324,340 B2**
(45) **Date of Patent: Jan. 29, 2008**

(54) **CONDUCTIVE COOLING PAD FOR USE WITH A LAPTOP COMPUTER**

(76) Inventor: **Wei Xiong**, 9471 Cortada St., Suite F, El Monte, CA (US) 91733

( * ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 173 days.

(21) Appl. No.: **11/105,627**

(22) Filed: **Apr. 14, 2005**

(65) **Prior Publication Data**

US 2006/0232935 A1 Oct. 19, 2006

(51) **Int. Cl.**
***H05K 7/20*** (2006.01)

(52) **U.S. Cl.** ..... **361/700**

(58) **Field of Classification Search** ..... 361/700; 439/487; 428/35.2; 206/576; 190/107; 607/117, 96

See application file for complete search history.

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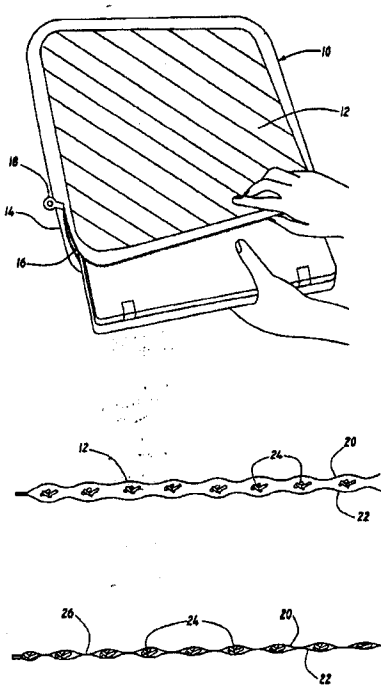
*Primary Examiner*—Chandrika Prasad
(74) *Attorney, Agent, or Firm*—Lauson & Schewe LLP; Robert J. Lauson; Edward C. Schewe

(57) **ABSTRACT**

A self contained laptop computer cooling pad that does not require any electrical power to operate and will effectively and efficiently reduce the operating temperature of the computer and reduce the heat being transferred into the user's lap. The cooling pad contains a phase-changing compound such as sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate or sodium thiosulfate pentahydrate, and may be made of a soft, flexible material that will contain the phase-changing compound and prevent excess shifting within the cooling pad. The cooling pad is placed under the laptop computer when operating the computer to effectively transfer heat away from the computer by conduction and prevent passage onto the user. The cooling pad may be in the form of a sleeve to additionally provide padded storage for the computer when not in use.

**18 Claims, 5 Drawing Sheets**






EXHIBIT
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A

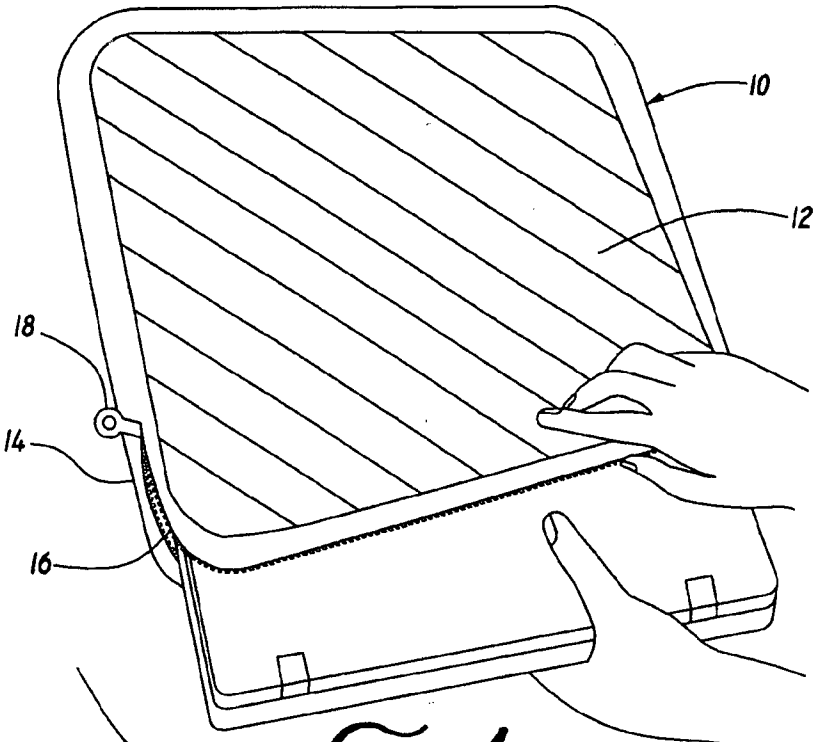



FIG. 1

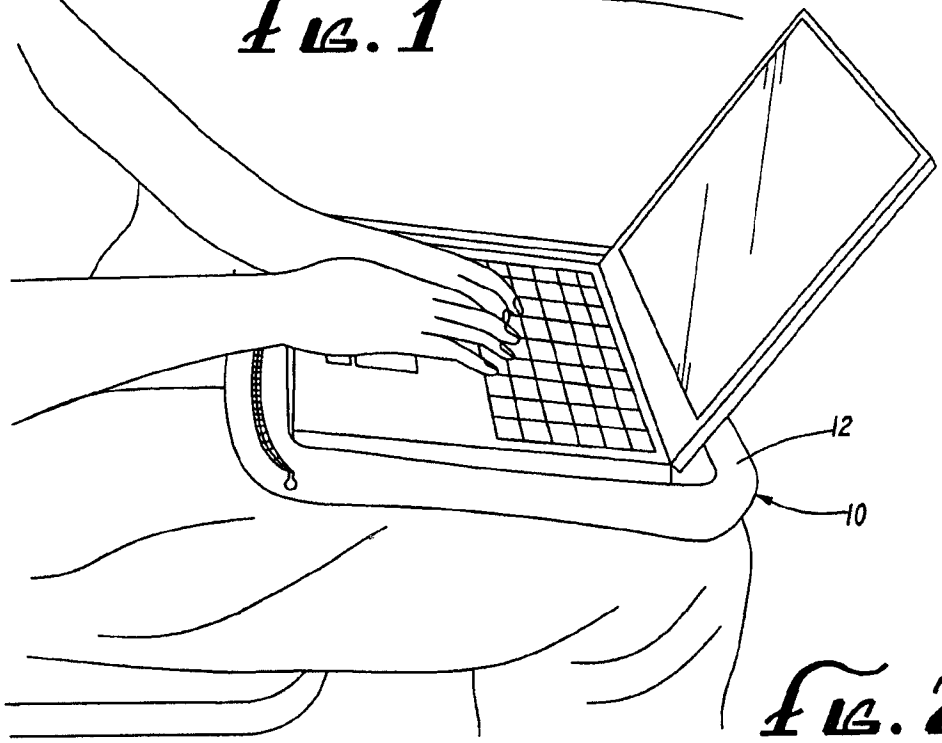



FIG. 2

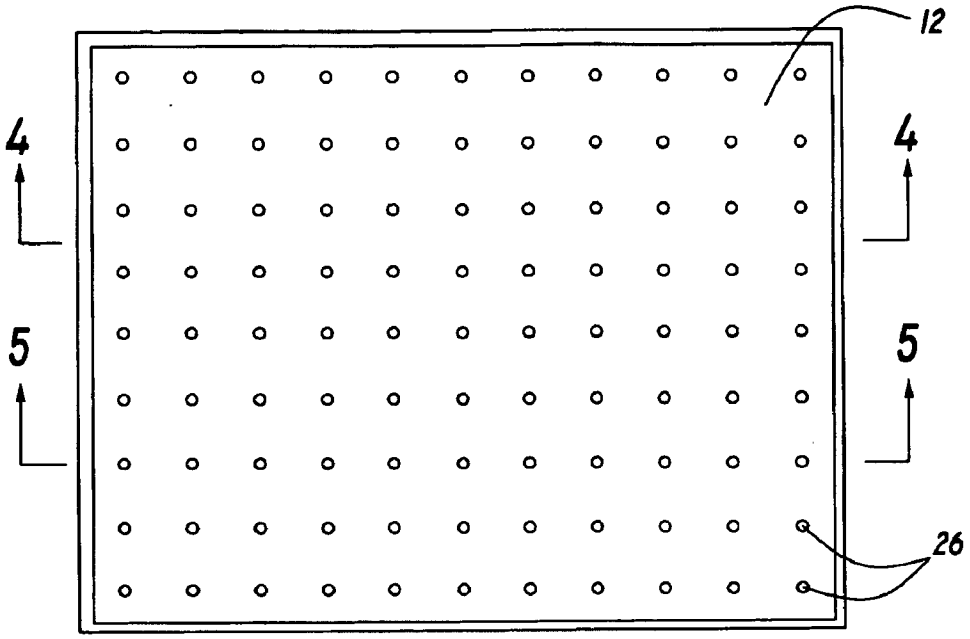



FIG. 3

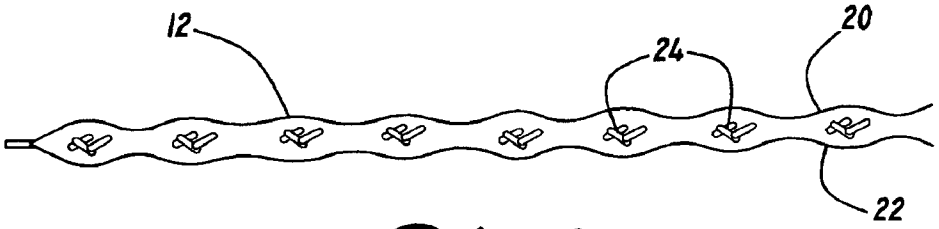



FIG. 4

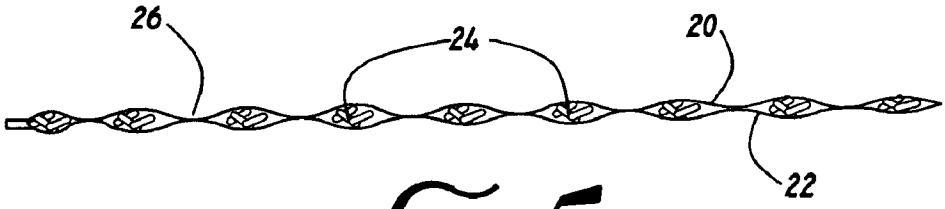



FIG. 5

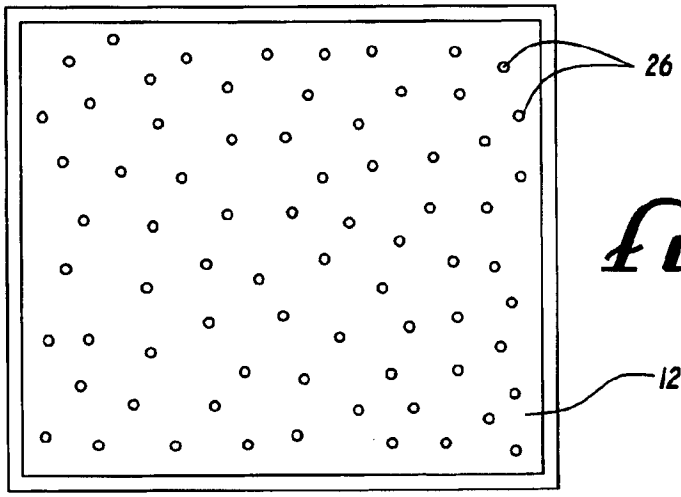



FIG. 6

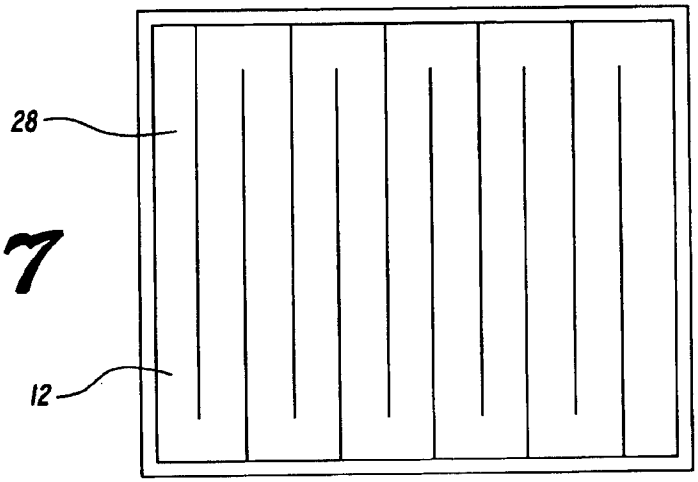



FIG. 7

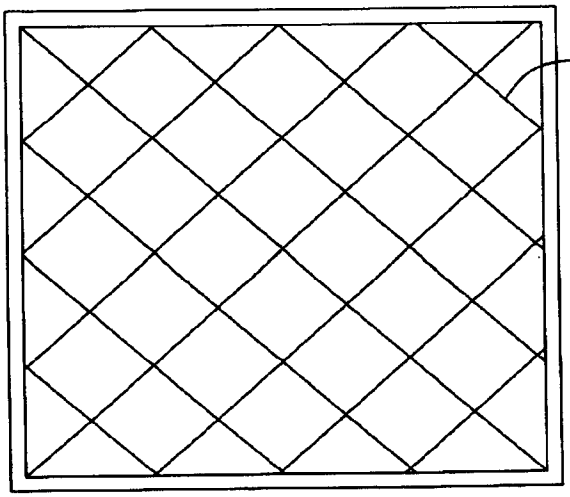
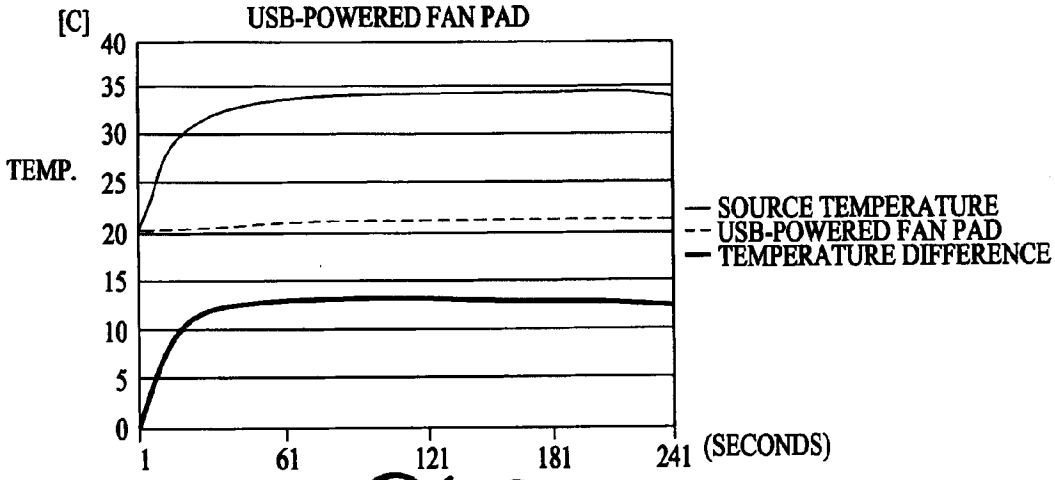



FIG. 8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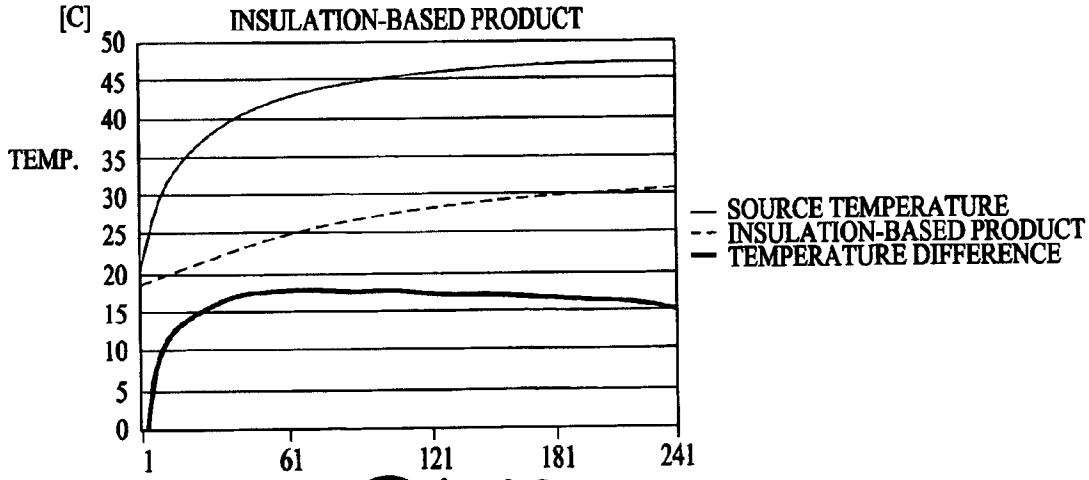
TEMP.
40
35
30
25
20
15
10
5
0
1
61
121
181
241
(SECONDS)
SOURCE TEMPERATURE
USB-POWERED FAN PAD
TEMPERATURE DIFFERENCE

FIG. 9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INSULATION-BASED PRODUCT
TEMP.
50
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30
25
20
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10
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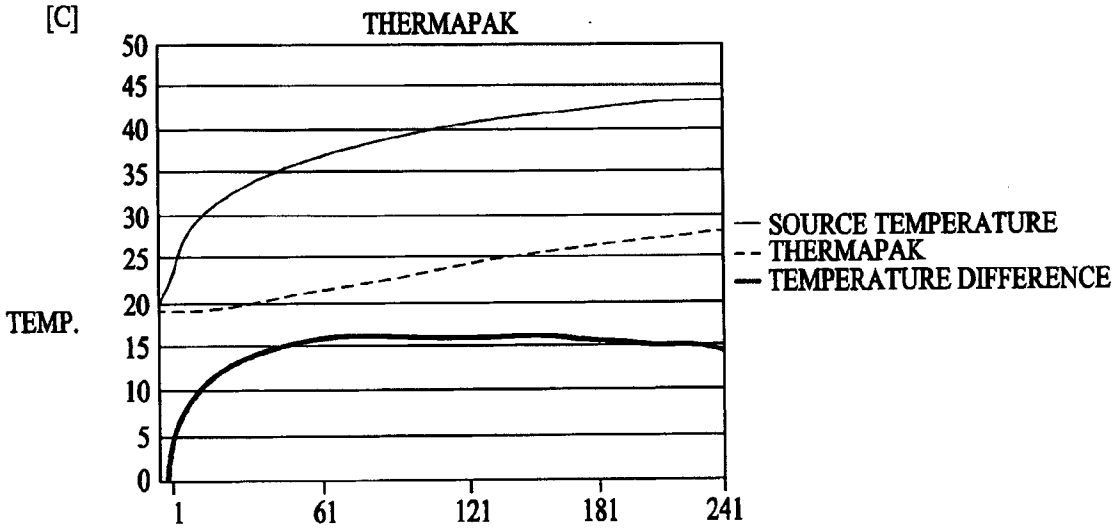
181
241
SOURCE TEMPERATURE
INSULATION-BASED PRODUCT
TEMPERATURE DIFFERENCE

FIG. 10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THERMAPAK
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25
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TEMP.
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121
181
241
SOURCE TEMPERATURE
THERMAPAK
TEMPERATURE DIFFERENCE

FIG. 11

# CONDUCTIVE COOLING PAD FOR USE WITH A LAPTOP COMPUTER

## BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates generally to a separate, external heat-dissipating device for electronic devices, more specifically, to a cooling pad for laptop-style portable computers and the like.

2. Description of the Related Art

A computer being a collection of processing units, memories, graphic processing units and various other electronic components generates substantial amounts of heat as a result of electrical and mechanical resistance from such components. As computing tasks become computation intense, more electricity is drawn and subsequently more heat generated. The introduction of solid state components into electronic devices reduced the amount of heat generated per component, but the benefits were short-lived. As the demands on silicon-based microchips and their abundance in modern computers multiplied, the amount of heat generated increased proportionally. Compounding this increase, personal computers and related electronic appliances containing processors (such will be all referred to as micro computers hereon) have continued to evolve into more lightweight and smaller-sized devices. With the reduction of the physical size of micro computers and their increasing processing power, heat dissipation becomes a major challenge for the computer manufacturers and consumers as traditional cooling methods are no longer effective.

Portable computers present a difficult problem in maintaining proper operating temperatures. Modern portable computers due to their small housing and lightweight characteristics are unable to allow for necessary convection of heat into the surrounding air. The housing of portable computers retains more heat than a normal desktop due to the small volume and reduced airflow. The rate of heat generation in portable computers outpaces the rate of heat expulsion. Furthermore in an effort to minimize noise, weight, and maintain battery life, the common use of fans and heat sinks in desktop computers are limited in portable computers. Most notebook computers accommodate these limitations, in part, by the use of low power consuming components to reduce heat generation. Many incorporate software controls to limit processing power while not in use to maintain a reasonable operating temperature. A substantial amount of heat is retained, however, and interior temperatures may reach a range dangerous to components, as well as reducing the performance and the life span of the notebook computer.

The main heat generating elements in portable computers, the circuitry and processing units, are typically packed close to the bottom-face in order to minimize the housing size. The placement makes the bottom-face a direct gateway for heat dissipation and a logical target to approach the problem of excess heat in portable computers. Although this potential is well recognized, the bottom-face of mobile computers remains the most underutilized surface for heat dissipation. Unfortunately, due to design and ergonomics, the bottom-face is unexposed much of the time to allow effective convection. Heat conduction is unreliable at the bottom-face because of surfaces in contact are usually made of poor thermal conductors, such as wooden desk or a lap. As a result, the bottom-face has universally become the hottest portion of the surface of the mobile computer housing, so hot that it often cannot be placed in contact with human skin



or fine furniture. A widely-reported 2004 State University of New York study also found that laptop heat is a threat to fertility of young men, that heat increases scrotum temperatures and thereby lowers sperm counts, and through repeated exposures the damage could even be long term. An effective way to direct heat away from the bottom face of a mobile computer will not only reduce the discomfort of the computer users, but also create a healthier thermal environment around the mobile computer.

Several solutions have been developed to meet this challenge, the most popular a simple cooling fan that forces airflow over the electronic components to increase heat transfer via convection. The overall cooling effectiveness can be increased by simply increasing number of cooling fans inside of a micro computer at critical locations. Another solution is to incorporate heat sinks with heat dissipating fins directly on the electronic components to increase the cooling effectiveness of convection. The two solutions are usually applied in combination to create the satisfactory cooling result. Also known are external pads made of mere insulation material to place between the laptop and the user, exacerbating the problem of cooling the computer but offering some relief from the heat for the user's lap.

Some designs have attempted to dissipate heat through the bottom-face by supporting the notebook computer on a stand to allow forced or natural convection to take place under the notebook computer. The stands using forced convection under the notebook computer use one or more small fans to induce airflow. The small fans in the stand require power, which usually comes from the battery of the mobile computer. This method shortens the span of the mobile operation of the computer, as well as creates additional noise. The natural convection stands simply raise the notebook computer off the surface to allow easier airflow, but are very ineffective. Both present the problem of adding sizable and rigid external components to a mobile computer. Therefore, a better device for cooling the bottom face is desired.

Phase change material (PCM) is a name shared by chemical compounds that possess the physical property of changing between solid phase and liquid phase at a desirable temperature range. Examples of the PCM include compounds such as sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate or sodium thiosulfate pentahydrate. In the process of a phase change, either melting or solidifying, the material respectively absorbs or releases a large amount of per-mass thermal energy, or "heat of fusion". This process requires very small to no temperature or volume change of the PCM. This property can be utilized to store away excessive heat produced by a micro computer during operation when the PCM turns into liquid, and slowly release the heat when the computer is not being used when the PCM solidifies again. This process can be repeated as desired. Furthermore, this can keep the operational temperature of a micro computer at a relatively stable point. Due to the nature of such heat dissipation, however, the PCM is not suitable as a part the built-in devices of a micro computer, but it works ideally as the main component of a detached, external heat-absorbing device. Because of the fact that liquid does not take a definite form but solid material does, the nature of the phase change process in this application calls for well-designed containment both to control the PCM and to serve the purpose of heat dissipation.

## SUMMARY OF THE INVENTION

A separate, external cooling pad for use between the user's lap and the hot, bottom surface of a conventional laptop computer includes a flexible housing with a top portion made of a liquid impermeable material and divided into a number of pockets containing phase change material. The pockets are preferably formed by a number of press seals to limit or entirely prevent shifting of the phase change material about the top portion of the housing. The press seals may be stitching or some other way of subdividing the top portion of the housing. The phase change material is preferably sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate, or sodium thiosulfate pentahydrate.

The housing is preferably in the form of a sleeve having a bottom portion connected to the top portion on three sides and defining an opening for storage of the computer inside when not in use. Preferably some way of closing the opening of the sleeve is provided such a zipper. The housing is preferably of a fabric material and the bottom portion preferably neoprene. These and other features and advantages of the present invention will become apparent upon reading the following detailed description and upon reference to the accompanying drawings.

## BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

FIG. **1** is a perspective view of the preferred embodiment cooling pad sleeve and a conventional laptop computer;

FIG. **2** is a perspective view of the preferred embodiment in use;

FIG. **3** is plan view of the top portion of the cooling pad;

FIG. **4** is section view of the top portion of the cooling pad;

FIG. **5** is another section view of the top portion of the cooling pad;

FIG. **6** is a plan view of an alternate embodiment of the top portion;

FIG. **7** is plan view of another alternate embodiment of the top portion;

FIG. **8** is plan view of yet another alternate embodiment of the top portion;

FIG. **9** is chart showing cooling of a laptop computer with a conventional internal fan;

FIG. **10** is chart showing laptop temperatures with a conventional external insulation pad;

FIG. **11** is a chart showing laptop temperatures with use of the preferred embodiment.

## DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

First referring to FIG. **1**, the preferred embodiment of the present invention may be described. The cooling pad **10** for a conventional laptop computer is in the form of a flexible sleeve having a top portion **12** and a bottom portion **14** connected together on three (3) sides. Across the fourth side is an opening **16** and a zipper **18** or some other fastening or closing means. The bottom portion **14** is made of a neoprene fabric although many other materials would also suffice. The sleeve may serve as the user's laptop bag or cover, or alternatively if the user already has a heavy-duty computer case the sleeve becomes a lightweight accessory that may be rolled up or folded and stowed in the case when not in use.



A rigid board material (not shown) may be placed inside the sleeve to provide a stiffer structural support for the laptop if desired.

Now also referring to FIGS. **3-5**, the top portion **12** of the preferred embodiment cooling pad **10** may be further described, which includes upper **20** and lower **22** layers of liquid-impervious fabric, connected together around the perimeter and further there are press seal means distributed about the top portion. Examples of the liquid-impervious fabric include plastic, rubber or polyvinyl chloride (PVD). Between the fabric layers **20**, **22** are a large number of small pellets **24** of a phase change material (PCM), such as sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate, sodium thiosulfate pentahydrate or equivalent. There are also a number of press seal means **26** that bring together the upper **20** and lower layers serving to subdivide the top portion **12** into pockets. This helps maintain a relatively equal distribution of the pellets **24** across the top portion **12** of the cooling pad **10**.

FIGS. **6-8** show alternate configurations of the press seal means **26**. FIG. **6** shows a random distribution across the top portion **12**. FIG. **7** shows a stitching pattern **28** that might be employed. FIG. **8** shows a stitching pattern **30** that forms closed pockets preventing any shifting of the pellets **24** between pockets.

Having described the structure of the preferred embodiment cooling pad **10**, it is now possible to describe its operation, function and use. Referring to FIG. **2**, the cooling pad **10** is placed outside and under the computer in a way such that the pad **10** comes into contact with the bottom face of the computer over a large enough area to allow effective heat transfer away from the computer housing via conduction. The pad **10** may also be placed on the user's lap between the user and the laptop. As described above, the top portion **12** of the pad **10** contains a type of PCM pellets **24** as the main coolant, and the fabric layers **20**, **22** may be made of any material that will contain the PCM in either physical state. As heat transfers into the pellets **24** they will begin and eventually complete the phase change process from a solid into a liquid, thereby absorbing substantial amounts of heat rather than reflecting that heat back into the computer or passing it through to the user's lap.

The physical design of the pad ensures the top portion **12** of the pad **10** including the distribution of the pellets **24** therein is largely unchanged as used. That is, the overall shape and thickness will remain about the same, and if necessary, unless the closed pocket design of FIG. **8** is used, the pellets **24** can be readjusted inside the top portion **12** back to an even distribution. The heat transfer between different regions of the pad **10** is also preserved and maximized.

The pad **10** does not require electrical power to operate, and will effectively and efficiently reduce the operating temperature inside a micro computer's housing through conductive heat dissipation via the bottom face of the computer. The computer realizes substantial power savings from the fan not needing to operate or operating less of the time, translating into longer battery life (approx. 20%). The lower internal temperatures may also increase the performance of the computer. Referring to FIGS. **9-11**, the charts show the source or laptop computer temperature, fan, insulation layer or cooling pad **10** (Thermapak™) temperatures, and the difference between the two. Note the Thermapak laptop operates at the lowest temperature as the Thermapak take away more heat.

The present invention has been described in connection with preferred and alternate embodiments, but it is under-

stood that modifications will occur to those skilled in the appertaining arts that are within the spirit of the invention disclosed and within the scope of the claims.

What is claimed is:

**1**. A separate external cooling pad for a conventional laptop computer having a bottom surface through which heat is dissipated, the cooling pad comprising:

a generally planar rectangular-shaped flexible housing of a size corresponding to the bottom surface of the laptop computer;

the housing having a top portion defining a sealed compartment internally divided into a plurality of approximately equal sized pockets;

phase change material disposed inside the pockets, adjacent pockets being in open communication one with the other, the phase change material movable between adjacent pockets substantially all of the top portion;

whereby the top portion of the cooling pad may be placed between the bottom surface of the laptop computer and the user's lap, to absorb the heat from the computer and preventing the heat from reaching the user.

**2**. The external cooling pad of claim **1** wherein the housing further comprises a bottom portion similarly shaped as the top portion and connected to the top portion on three sides to form a sleeve with an opening for storing the conventional laptop computer when not in use.

**3**. The external cooling pad of claim **1** wherein press seal means divide the top portion into the plurality of pockets.

**4**. The external cooling pad of claim **3** wherein the press seal means are a stitching pattern.

**5**. The external cooling pad of claim **1** wherein the pockets are entirely closed such that the phase change material cannot pass between pockets.

**6**. The external cooling pad of claim **2** further comprising a closing means across the opening.

**7**. The external cooling pad of claim **6** wherein the closing means is a conventional zipper.

**8**. The external cooling pad of claim **1** wherein the phase change material is selected from the group consisting of sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate and sodium thiosulfate pentahydrate.

**9**. The external cooling pad of claim **1** wherein the housing is a fabric material.

**10**. The external cooling pad of claim **9** wherein the top potion is a liquid impermeable material.

**11**. The external cooling pad of claim **9** wherein the housing bottom portion is a neoprene material.

**12**. A separate external cooling pad integrated into a case for a conventional laptop computer having a bottom surface through which heat is dissipated, the cooling pad comprising:

a generally planar rectangular-shaped flexible housing of a size corresponding to the bottom surface of the laptop computer;

the housing having a top portion made of a liquid impermeable material and defining a sealed compartment, press seal means internally dividing the top portion compartment into a plurality of approximately equal sized pockets;

phase change material disposed inside the pockets, the phase change material movable between adjacent pockets substantially throughout the top portion;

wherein the housing further comprises a bottom portion similarly shaped as the top portion and connected to the top portion on three sides to form a sleeve with an opening for storing the conventional laptop computer when not in use;

whereby the top portion of the cooling pad may be placed between the bottom surface of the laptop computer and the user's lap, to absorb the heat from the computer and preventing the heat from reaching the user.

**13**. The external cooling pad of claim **12** wherein the pockets are entirely closed such that the phase change material cannot pass between pockets.

**14**. The external cooling pad of claim **12** further comprising a closing means across the opening.

**15**. The external cooling pad of claim **14** wherein the closing means is a conventional zipper.

**16**. The external cooling pad of claim **12** wherein the phase change material is selected from the group consisting of sodium sulfate decahydrate, sodium carbonate decahydrate, disodium phosphate dodecahydrate and sodium thiosulfate pentahydrate.

**17**. The external cooling pad of claim **12** wherein the housing is a fabric material.

**18**. The external cooling pad of claim **12** wherein the housing bottom portion is a neoprene material.

* * * * *

**Product Information**
- HeatShift UPGRADE Program
- HeatShift Pad
- HeatShift Bag

**HeatShift™ Information**
- HeatShift™ Technology
- HeatShift™ Lab Results
- HeatShift™ Reviews

**About ThermaPAK Technologies**
- Company Overview
- Where To Buy
- Calendar of Events
- Press Information

**Contact ThermaPAK**

70 South Lake Avenue
Suite 1000
Pasadena, CA 91101
877-755-5085


**The Best Laptop Cooler. 100% Satisfaction Guaranteed!**

****** News at ThermaPAK ******

ThermaPAK's HeatShift Laptop Cooler featured on ShopNBC Click here!

**HeatShift Technology™ UPGRADE Program**

For a limited time, ThermaPAK is offering incredible discounts for trading in your old laptop cooler. Click here for more information!

ThermaPAK Technologies has created the ultimate laptop cooler for dissipating notebook computer heat. Our patented HeatShift Technology™ draws heat away from your computer using the laws of thermal dynamics and energy conversion.

ThermaPAK works with some of the industry's most reputable leaders such as Ingram Micro, Targus, ThermalTake, and much more. In the past year, ThermaPAK products have won various industry awards such as the CES Innovations Award. ThermaPAK is committed to expanding our family of products and partners to provide you with the best laptop coolers and cooling products available.





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**Product Information**
- HeatShift UPGRADE Program
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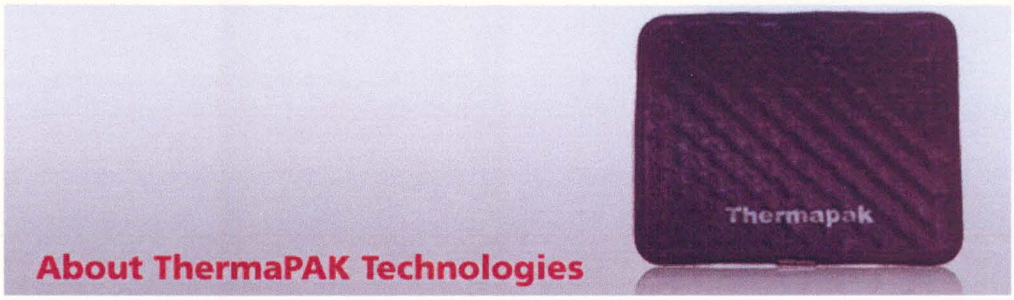


**COMPANY OVERVIEW**

Our vision: To make ThermaPAK the most effective and mobile cooling device for every laptop user.

Our mission: Create a demand in the market for ThermaPAK by offering a valuable solution to overheating laptop computers.

**OBJECTIVES**

- To fill the demand in laptop cooling with quality HeatShift embedded pads, sleeves and cases.
- Development of other product lines and sizes.
- Initiate "Big Push" for computer vendors and/or distributors by September 2006
- To develop a solid e-commerce market.

ThermaPAK Group, founded in 2004, has been a pioneering developer in laptop cooling solutions. Through comprehensive research and development, relentless attention to details, and continual evolution on design, ThermaPAK Group created a new series of cooling products.

Throughout the years, ThermaPAK Group attended a variety of venues to educate anywhere from the general public to the corporate tiers the concept of ThermaPAK and its capabilities. Word of this new product was spread at many important international trade shows, such as CES, CompuTEX, as well as many regional trade shows within the United States. ThermaPAK had also chosen to invest in many projects to assert itself into the market; one example being a project to produce a comical commercial due to the rise of video sharing websites such as YouTube.

As time progressed so did ThermaPAK, both as a company and its products. In 2006, ThermaPAK started to put more emphasis toward making itself a global player, expanding its horizon of influence while consistently growing in Northern America.

In mid 2007, ThermaPAK Group incorporated into ThermaPAK Technologies, Inc. The new incorporation takes on a broader vision and structure in business model that develops higher prudence and capability, while at the same time, keeping the original commitment to bringing quality performance products into the market.

**Product Information**
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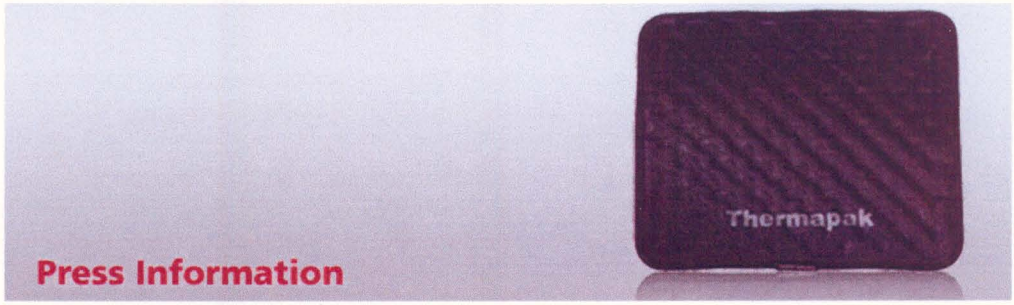


Click on one of the PDFs below for more information. Adobe Acrobat Reader 6.0+ is required. For more information about ThermaPAK or one of the stories listed below, please contact our public relations department.




Below is a list of ThermaPAK press releases. These press releases are provided for reference and contains information that is only as current as of the date of the release.

| | |
|---|---|
| 12/31/2008 | ThermaPAK Launches New ThermaPAK.com |
| 12/31/2008 | ThermaPAK Featured at 2009 International CES |
| 12/31/2008 | ThermaPAK Exhibiting at 2009 MacWorld |

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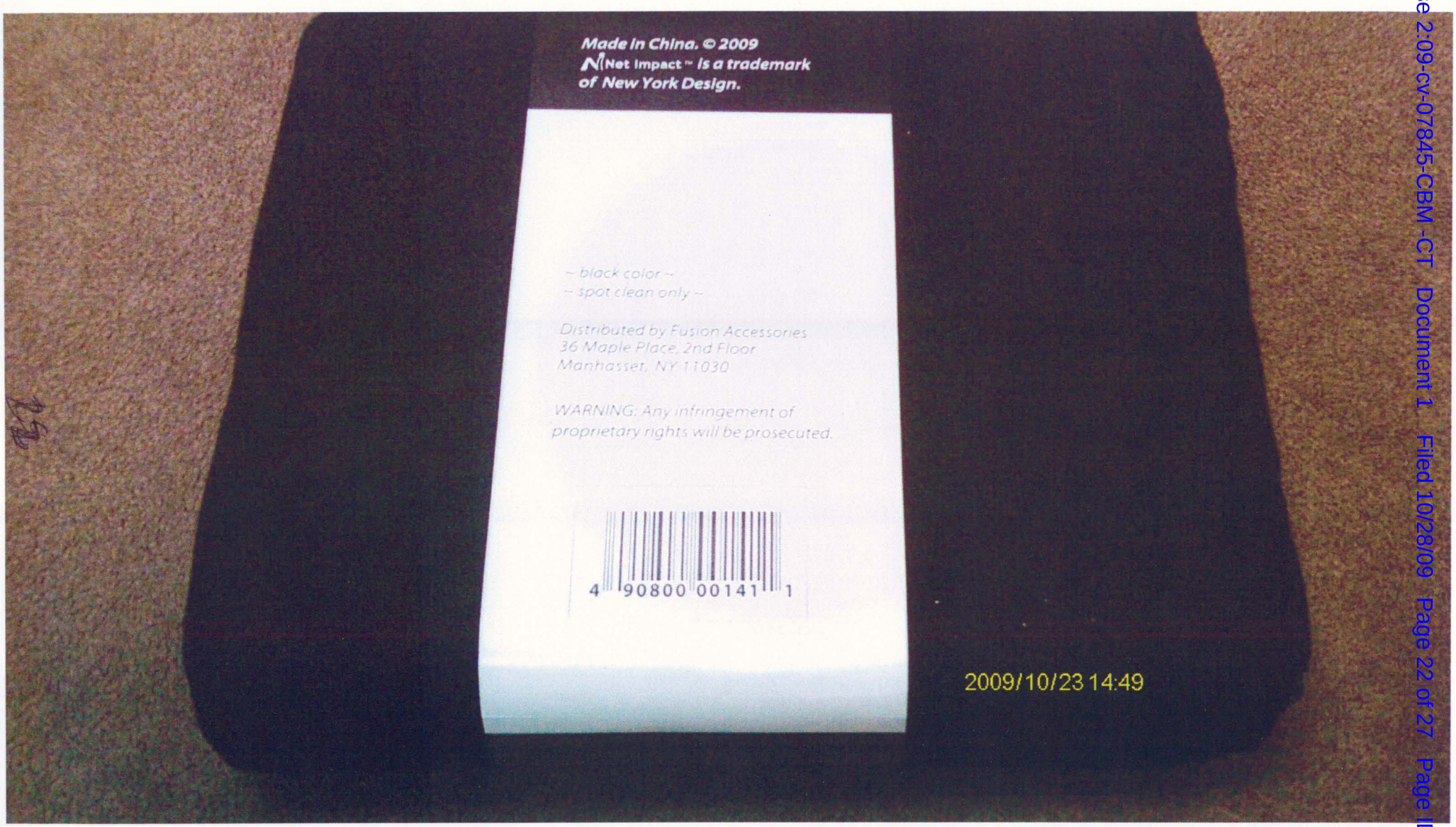
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| 081050783 | 7PKT FILE | T | $6.29 |
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# UNITED STATES DISTRICT COURT
# CENTRAL DISTRICT OF CALIFORNIA

## NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Consuelo B. Marshall and the assigned discovery Magistrate Judge is Carolyn Turchin.

The case number on all documents filed with the Court should read as follows:

**CV09- 7845 CBM (CTx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

==========

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

[X] **Western Division**
**312 N. Spring St., Rm. G-8**
**Los Angeles, CA 90012**

[ ] **Southern Division**
**411 West Fourth St., Rm. 1-053**
**Santa Ana, CA 92701-4516**

[ ] **Eastern Division**
**3470 Twelfth St., Rm. 134**
**Riverside, CA 92501**

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Central District of California

THERMAPAK TECHNOLOGIES, INC., a California Corporation; Wei Xiong, an individual,

V.

TARGET BRANDS, INC., a Minnesota Corporation; Fusion Accessories, Inc. a California Corporation; NET IMPACT, a Hong Kong Company and DOES 1-9, inclusive.

**SUMMONS IN A CIVIL CASE**

CASE NUMBER:

CV09 07845 CBM (CTx)

TO: (Name and address of Defendant)

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert J. Lauson
Edwin P. Tarver
LAUSON & TARVER LLP
880 Apollo Street, Suite 301
El Segundo, CA 90245

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Terry Nafisi

CLERK

CHRISTOPHER POWERS SEAL

(By) DEPUTY CLERK

28 2009

DATE

# UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
## CIVIL COVER SHEET

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)
THERMAPAK TECHNOLOGIES, INC., a California Corporation; Wei Xiong, an individual

**DEFENDANTS**
TARGET BRANDS, INC., a Minnesota Corporation; Fusion Accessories, Inc. a California Corporation; NET IMPACT, a Hong Kong Company and DOES 1-9, inclusive.

**(b)** Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Lauson & Tarver, LLP, Robert J, Lauson, Esq., CA Bar No. 175,486
880 Apollo Street, Suite 301, El Segundo, CA 90245
310-726-0892, bob@lauson.com

Attorneys (If Known)

**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)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

| | PTF | DEF | | PTF | DEF |
|---|---|---|---|---|---|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in this State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

**IV. ORIGIN** (Place an X in one box only.)

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☑ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☑ No ☐ **MONEY DEMANDED IN COMPLAINT: $**

**VI. 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.)
35 U.S.C. §§ 271 et seq. for patent infringement

**VII. NATURE OF SUIT** (Place an X in one box only.)

**OTHER STATUTES**
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info. Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

**CONTRACT**
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

**REAL PROPERTY**
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

**TORTS**
**PERSONAL INJURY**
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

**IMMIGRATION**
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

**TORTS**
**PERSONAL PROPERTY**
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

**BANKRUPTCY**
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

**CIVIL RIGHTS**
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities - Employment
☐ 446 American with Disabilities - Other
☐ 440 Other Civil Rights

**PRISONER PETITIONS**
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/ Other
☐ 550 Civil Rights
☐ 555 Prison Condition

**FORFEITURE / PENALTY**
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

**LABOR**
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

**PROPERTY RIGHTS**
☐ 820 Copyrights
☑ 830 Patent
☐ 840 Trademark

**SOCIAL SECURITY**
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: CV09 07845

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☑ No ☐ Yes
If yes, list case number(s): _____

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☑ No ☐ Yes
If yes, list case number(s): _____

**Civil cases are deemed related if a previously filed case and the present case:**
(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
|---|---|
| Los Angeles County | |

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
|---|---|
| | Minnesota, New York, Hong Kong |

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
**Note: In land condemnation cases, use the location of the tract of land involved.**

| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
|---|---|
| Los Angeles | |

*** Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties**
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** 23 Oct 09

**Notice to Counsel/Parties:** The CV-71 (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 law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---|---|---|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |