

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ULTRA PRODUCTS, INC.,

Plaintiff,

v.

Civil Action No: 6:08-cv-1854-Orl-35-DAB

MAGNELL ASSOCIATE, INC. d/b/a ABS
COMPUTER TECHNOLOGIES, INC.,
NEWEGG INC.,
ROSEWILL INC.,
SEASONIC ELECTRONICS, INC.,
SUPER FLOWER COMPUTER INC.;

Defendants.

**AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF AND
DEMAND FOR JURY TRIAL**

Plaintiff Ultra Products, Inc. (“Ultra”), in support of its Complaint against Defendants Magnell Associate, Inc.; Newegg, Inc.; Rosewill, Inc.; SeaSonic Electronics, Inc; and Super Flower Computer Inc. (collectively “Defendants”), states as follows:

THE PARTIES

1. Plaintiff Ultra is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 6910 State Road 36, Fletcher, Ohio 45326. Plaintiff Ultra regularly conducts, and is authorized to conduct, business in Florida and the majority of its employees are also located in Florida.

2. Upon information and belief, Defendant Magnell Associate, Inc. is a California corporation with its principal place of business in California; is a wholly-owned subsidiary of Newegg Inc. (“Newegg”); and does business as ABS Computer Technologies, Inc. (“ABS”). ABS and Defendant Magnell are herein collectively referred to as “Magnell.”

3. Upon information and belief, Defendant Newegg is a California corporation with its principal place of business in California. Upon information and belief, Newegg is a subsidiary of MaxPoint Handelsgesellschaft mbH (“MaxPoint”), a German corporation with a principal place of business in Ahrensberg, Germany.

4. Upon information and belief, Defendant Rosewill Inc. (“Rosewill”) is a Delaware corporation with a principal place of business in California; a Chinese office located at Floor 11, Kaikai Mansion, 888 Wanhangu Rd, Shanghai (200042), China P.R; and a Taiwan office located at 10F, No.31, Lane 513, Jui-Kuang Rd. Taipei, Taiwan.

5. Upon information and belief, Defendant SeaSonic Electronics, Inc. (“Sea Sonic US”) is a California corporation and is a wholly owned subsidiary of Sea Sonic Electronics Co., Ltd., a Taiwan corporation. Upon information and belief, Sea Sonic US has a principal place of business located at 1330 Mountain View Circle, Bldg. F, Asuza, CA 91702.

6. Upon information and belief, Defendant Super Flower Computer Inc. (“Super Flower”) is a Taiwanese corporation with its principal place of business located at 7F, No. 649-1, Chung Cheng Road, Hsin Chuang City, Taipei Hsien, 242 Taiwan

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 100 et seq.

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) as this action for patent infringement arises under the laws of the United States, including 35 U.S.C. §§ 271 and 281-285.

9. This Court has personal jurisdiction over the Defendants as they regularly conduct business, have committed tortious acts (e.g., patent infringement), and caused injury in the state of Florida.

10. Venue is proper in this District under 28 U.S.C. § 1391 as this Court has personal jurisdiction in this matter. Further, Defendants regularly conduct business in Florida and Florida is the site of much of the Plaintiff's licensing and sales operators.

FACTS COMMON TO ALL COUNTS

11. Ultra is the owner by assignment of United States Patent No. 7,133,293 (the "'293 Patent"). The '293 patent was duly and legally issued by the United States Patent and Trademark Office on November 7, 2006. A true and correct copy of the '293 patent is attached as Exhibit 1.

12. Carl Fiorentino and Chih-Wei Kuo are the named co-inventors of the '293 Patent. Both named co-inventors have directly or indirectly assigned the entirety of their ownership in the '293 patent to Ultra.

13. The '293 Patent is valid and enforceable.

COUNT I: MAGNELL'S INFRINGEMENT OF THE '293 PATENT

14. Upon information and belief, Magnell makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere, with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following product: ABS Tagan BZ Series BZ700 700W ATX12V / EPS12V SLI Ready CrossFire Ready 80 PLUS Certified Modular Active PFC Patent Piperock Modular Power Supply.

15. Upon information and belief, Magnell and/or Magnell's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Magnell's infringement of the '293 patent has been willful and deliberate.

16. Ultra has been irreparably and monetarily damaged by Magnell's infringement of the '293 patent. If Magnell's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Magnell's conduct.

COUNT II: NEWEGG'S INFRINGEMENT OF THE '293 PATENT

17. Upon information and belief, NewEgg makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following product: ABS Tagan BZ Series BZ700 700W ATX12V / EPS12V SLI Ready CrossFire Ready 80 PLUS Certified Modular Active PFC Patent Piperock Modular Power Supply.

18. Upon information and belief, NewEgg and/or NewEgg's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, NewEgg's infringement of the '293 patent has been willful and deliberate.

19. Ultra has been irreparably and monetarily damaged by NewEgg's infringement of the '293 patent. If NewEgg's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of NewEgg's conduct.

COUNT III: ROSEWILL'S INFRINGEMENT OF THE '293 PATENT

20. Upon information and belief, Rosewill makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere and/or has previously done any or all of the aforementioned activities between November 2006 and the present day and with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following product: Rosewill RP600S-2MK 600W ATX2.01 Modular Power Supply.

21. Upon information and belief, Rosewill and/or Rosewill's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Rosewill's infringement of the '293 patent has been willful and deliberate.

22. Ultra has been irreparably and monetarily damaged by Rosewill's infringement of the '293 patent. If Rosewill's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Rosewill's conduct.

COUNT IV: SEA SONIC US'S INFRINGEMENT OF THE '293 PATENT

23. Upon information and belief, Sea Sonic US makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes

claims of the '293 patent. These power supplies include, but are not limited to the following products: Antec NeoHE 380, 430, 500, and 550W products.

24. Upon information and belief, Sea Sonic US and/or Sea Sonic US's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Sea Sonic US's infringement of the '293 patent has been willful and deliberate.

25. Ultra has been irreparably and monetarily damaged by Sea Sonic US's infringement of the '293 patent. If Sea Sonic US's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Sea Sonic US's conduct.

26. SeaSonic US's parent company, Sea Sonic Electronics Co., Ltd., is presently a defendant in Case No. 6:08-cv-503-ORL-19-DAB, filed April 4, 2008 in this judicial district (United States District Court for the Middle District of Florida, Orlando Division).

COUNT V: SUPER FLOWER'S INFRINGEMENT OF THE '293 PATENT

27. Upon information and belief, Super Flower makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following product: Mad Dog MD-500 SCPS.

28. Upon information and belief, Super Flower and/or Super Flower's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about

November, 2006. Upon information and belief, Super Flower's infringement of the '293 patent has been willful and deliberate.

29. Ultra has been irreparably and monetarily damaged by Super Flower's infringement of the '293 patent. If Super Flower's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Super Flower's conduct.

30. Super Flower was also a Respondent in United States International Trade Commission Investigation No. 337-TA-646, In the Matter of Certain Power Supplies, which was instituted based on a complaint filed on April 4, 2008 by Ultra Products, Inc. and Systemax, Inc., under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337). This Investigation also alleges infringement of the '293 patent by Super Flower.

DEMAND FOR JURY TRIAL

Pursuant to FRCP 38(b), Ultra demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ultra prays for a judgment:

1. That Defendants have infringed the '293 patent;
2. Awarding compensatory damages for the Defendants' infringement of the '293 patent under 35 U.S.C. § 284, in an amount not less than a reasonable royalty.
3. That Defendants have willfully infringed the '293 patent, entitling Ultra to enhanced damages under 35 U.S.C. § 284;
4. Permanently enjoining and restraining Defendants, their respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, from further infringement of the '293 patent;

5. That this is an exceptional case under 35 U.S.C. § 285 warranting an award of Ultra's reasonable attorney fees;

6. Awarding pre-judgment and post-judgment interest to compensate Ultra for the damages it has sustained;

7. Awarding costs for this lawsuit; and

8. Awarding Ultra such other and further relief as the Court deems just and proper.

Dated: February 19, 2009

Respectfully submitted,

/s/ Dawn Giebler Millner
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*Attorneys for Plaintiff
Ultra Products, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **February 19, 2009** I electronically filed the foregoing with the Clerk of the Court for filing and uploading to the CM/ECF system which will send a notice of electronic filing to the following: **Marian G. Kennady, Esq.**, mkennady@cfclaw.com, **Elio F. Martinez, Jr., Esq.**, emartinez@cfclaw.com, and **Jeffrey S. Weiss, Esq.**, jweiss@orlandolaw.net.

/s/ Dawn Giebler Millner

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