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Attorneys for Defendants: MICROLOOPS CORPORATION,  
THE HEWLETT-PACKARD COMPANY and  
DYNATRON CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CONVERGENCE TECHNOLOGIES USA, LLC,  
Plaintiff,

v.

MICROLOOPS CORPORATION  
SAPPHIRE TECHNOLOGY LIMITED

5:10-cv-02051-EJD

SECOND AMENDED  
COMPLAINT

1 THE HEWLETT-PACKARD COMPANY

2 DYNATRON CORPORATION

3 MOLEX

4 d/b/a MOLEX INCORPORATED

5 2222 Wellington Court

6 Lisle, Illinois 60532-1682

7 d/b/a DONGGUAN MOLEX INTERCONNECT CO., LTD.

8 Dongguan City,

9 Guangdong Province, P.R. China,

10 DYNAEON INDUSTRIAL CO., LTD.,

11 8F., No.35, Ln. 221, Gangqian Rd.

12 Neihu Dist., Taipei City 114

13 Taiwan , R.O.C

14 d/b/a DYNAEON INDUSTRIAL USA

15 337 Paseo Sonrisa

16 Walnut, California 91789

17 and

18 41458 Christy Street

19 Fremont, California 94538

20 INVENTEC CORPORATION

21 6215 W By Northwest Blvd

22 Houston, TX 77040-4915

23 HON HAI PRECISION INDUSTRY COMPANY LTD.

24 d/b/a Foxconn Technology Group

25 8801 Fallbrook Drive

26 Houston, Texas 77064-4856

27 Defendants

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35 **SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

36  
37 Plaintiff, Convergence Technologies (USA) LLC, by counsel, for its Complaints against  
38 Defendants, Microloops Corporation; Sapphire Technologies, Hewlett Packard; Molex  
39 Incorporated; Dynaeon Industrial Co.; Inventec Corporation; and Foxconn Technology Group,

states as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement under 35 U.S.C. § 271.

2. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a).

3. Plaintiff, Convergence Technologies (USA), LLC is a corporation located at: 11874 Sunrise Valley Drive, Suite 101, Reston, Virginia 20191, and is the owner of United States Letters Patent 7,422,053 (the "'053 patent") by assignment from Convergence Technologies, Ltd. which developed and patented a Vapor Augmented Heatsink with a Multi-Wick Structure.

4. Defendant Microloops Corporation ("Microloops"), upon information and belief, is a corporation existing under the laws of Taiwan R.O.C. and has a principle place of business at: 2F, No. 609, Sec. 2, Wan Shou Rd., Kueishan, Taoyuan Hsien, Taiwan in the Republic of China. Microloops also maintains a U.S. sales office located at 632 Eagles View, Lancaster, PA 17601. Microloops is engaged in making, using, offering for sale and selling vapor augmented heat sinks with a multi-wick structure, as taught and claimed in the '053 patent in suit. These products which are covered under the claims of the '053 patent in suit, are being sold in the United States, including substantial sales in Virginia, in this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant Microloops, under 28 U.S.C. §1391(b), §1391(d) and §1400(a).

5. Defendant Sapphire Technologies Ltd. ("Sapphire"), upon information and belief, is a corporation existing under the laws of China and has a principle place of business at: Unit 1908 –1919, 19/F., Tower 2, Grand Central Plaza, 138 Shatin Rural Committee Road, Shatin, N.T., Hong Kong. Sapphire is engaged in making, using, offering for sale and selling computer

1 components which incorporate vapor augmented heat sinks with a multi-wick structure, as taught  
2 and claimed in the '053 patent in suit. These products, which are covered under the claims of the  
3 '053 patent in suit, are being sold in the United States, including substantial sales in Virginia, in  
4 this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant Sapphire  
5 under 28 U.S.C. §1391(b), §1391(d) and §1400(a).

6           6. Defendant Hewlett Packard Company ("Hewlett Packard"), upon information and  
7 belief, a corporation existing under the laws of the state of Delaware and has a principle place of  
8 business at: 3000 Hanover Street, Palo Alto, CA 94304. Hewlett Packard is engaged in  
9 making, using, offering for sale and selling of computer components which incorporate vapor  
10 augmented heat sinks with a multi-wick structure, as taught and claimed in the '053 patent in  
11 suit. These products, which are covered under the claims of the '053 patent in suit, are being  
12 sold in the United States, including substantial sales in Virginia, in this Judicial District.  
13 Jurisdiction and Venue are proper in this District as to Defendant Hewlett Packard under 28  
14 U.S.C. §1391(b) and §1400(a).

15           7. Defendant Dynatron Corporation ("Dynatron"), upon information and belief, a  
16 corporation existing under the laws of the state of California and has a principle place of  
17 business at: 41458 Christy Street, Fremont, California 94538. Dynatron is engaged in making,  
18 using, offering for sale and selling of computer components which incorporate vapor augmented  
19 heat sinks with a multi-wick structure, as taught and claimed in the '053 patent in suit. These  
20 products, which are covered under the claims of the '053 patent in suit, are being sold in the  
21 United States, including substantial sales in Virginia, in this Judicial District. Jurisdiction and  
22 Venue are proper in this District as to Defendant Dynatron under 28 U.S.C. §1391(b) and  
23 §1400(a).

1           8.       Molex Incorporated ,upon information and belief, a corporation existing under  
2       the laws of the state of Illinois and under the laws of the Peoples Republic of China and has a  
3       principle place of business at: 2222 Wellington Court, Lisle, Illinois 60532-1682. Molex is  
4       engaged in making, using, offering for sale and selling of computer components which  
5       incorporate vapor augmented heat sinks with a multi-wick structure, as taught and claimed in the  
6       '053 patent in suit. Upon information, Molex is a customer of Defendant Microloops. These  
7       products, which are covered under the claims of the '053 patent in suit, are being sold in the  
8       United States, including substantial sales in California, in this Judicial District. Jurisdiction and  
9       Venue are proper in this District as to Defendant Molex under 28 U.S.C. §1391(b) and §1400(a).

10          9.       Dynaeon Industrial Co. upon information and belief, a corporation existing under  
11       the laws of the state of California and under the laws of the Peoples Republic of China and has a  
12       principle place of business at: 337 Paseo Sonrisa, Walnut, California 91789 and 41458 Christy  
13       Street, Fremont, California 94538. Dynaeon is engaged in making, using, offering for sale and  
14       selling of computer components which incorporate vapor augmented heat sinks with a multi-  
15       wick structure, as taught and claimed in the '053 patent in suit. Upon information, Dynaeon is a  
16       customer of Defendant Microloops. These products, which are covered under the claims of the  
17       '053 patent in suit, are being sold in the United States, including substantial sales in California,  
18       in this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant  
19       Dynaeon under 28 U.S.C. §1391(b) and §1400(a).

20          10.       Inventec Corporation upon information and belief, a corporation existing under  
21       the laws of the state of Texas and has a principle place of business at: 6215 W By Northwest  
22       Blvd., Houston, TX 77040-4915. Inventec is engaged in making, using, offering for sale and  
23       selling of computer components which incorporate vapor augmented heat sinks with a multi-

1 wick structure, as taught and claimed in the '053 patent in suit. Upon information, Inventec is a  
2 supplier of components to Defendant Hewlett Packard. These products, which are covered under  
3 the claims of the '053 patent in suit, are being sold in the United States, including substantial  
4 sales in California, in this Judicial District. Jurisdiction and Venue are proper in this District as  
5 to Defendant Inventec under 28 U.S.C. §1391(b) and §1400(a).

6 11. Foxconn Technology Group / Hon Hai Precision upon information and belief, a  
7 corporation existing under the laws of the state of Texas and has a principle place of business at:  
8 8801 Fallbrook Drive, Houston, Texas 77064-4856. Foxconn is engaged in making, using,  
9 offering for sale and selling of computer components which incorporate vapor augmented heat  
10 sinks with a multi-wick structure, as taught and claimed in the '053 patent in suit. Upon  
11 information, Foxconn is a supplier of components to Defendant Hewlett Packard. These  
12 products, which are covered under the claims of the '053 patent in suit, are being sold in the  
13 United States, including substantial sales in California, in this Judicial District. Jurisdiction and  
14 Venue are proper in this District as to Defendant Foxconn under 28 U.S.C. §1391(b) and  
15 §1400(a).

16  
17 **GENERAL ALLEGATIONS**

18 12. The 7,422,053 patent issued on September 9, 2008 from a patent application  
19 with a filing priority date of May 15, 2002. The patent application was examined by the United  
20 States Patent and Trademark Office, and issued on September 9, 2008 as the 7,422,053 patent  
21 entitled: Vapor Augmented Heatsink with Multi-Wick Structure.

22 13. The '053 patent was issued after careful examination by the United States Patent  
23 and Trademark Office, which determined the invention as claimed to be new, useful and

unobvious.

14. The '053 patent has twenty-five (25) claims, including exemplary apparatus claim 1, which reads as follows:

1. A heat transfer device, comprising:

at least one chamber containing a condensable fluid, the chamber including: an evaporation region configured to be coupled to a heat source for vaporizing the condensable fluid, and a condensation region comprising condensation surfaces configured to permit the vaporized condensable fluid to collect as condensate, wherein the at least one chamber is configured to cause the condensate to flow through increasingly less area in the vicinity of the evaporation region, giving rise to a converging flow condition as the condensate approaches the evaporation region; and

a multi-wick structure comprising a plurality of hydraulically interconnected wick structures extending from the evaporation region into the condensation region for facilitating flow of the condensate toward the evaporation region, wherein a wicking power of the multi-wick structure increases with decreasing flow distance to the evaporation region to facilitate an increased flow rate of the condensate as the condensate approaches the evaporation region.

and exemplary method claim 19:

19. A method of manufacturing a heat transfer device, comprising:

forming at least one chamber containing a condensable fluid, the chamber including: an evaporation region configured to be coupled to a heat source for vaporizing the condensable fluid, and a condensation region comprising condensation surfaces configured to permit the vaporized condensable fluid to collect as a condensate, wherein the at least one chamber is configured to cause the condensate to flow through increasingly less area in the vicinity of the evaporation region, giving rise to a converging flow condition as the condensate approaches the evaporation region; and

forming a multi-wick structure comprising a plurality of hydraulically interconnected wick structures extending from the evaporation region into the condensation region for facilitating flow of the condensate toward the evaporation region, wherein the multi-wick structure is formed such that a wicking power of the multi-wick structure increases with decreasing flow distance to the evaporation region to facilitate an increased flow rate of the condensate as the condensate approaches the evaporation region.

15. The '053 patent includes independent apparatus claims 1, 5, 6, 11 and 14 defining heat transfer devices, and independent claims 19 and 21 defining a method of manufacture of

1 heat transfer devices.

2 16. Microloops manufactures, uses, offers for sale and sells vapor augmented  
3 heatsinks with multi-wick structures and generally refers to its products as "vapor chambers."  
4 The Microloops vapor chamber is a heat transfer device with all of the elements of the claims of  
5 the '053 patent, including: a condensable fluid chamber with an evaporation region configured  
6 for connection to a heat source and a condensation region, configured to cause the condensate to  
7 flow through increasingly less area in the vicinity of the evaporation region, giving rise to a  
8 converging flow condition as the condensate approaches the evaporation region; and a multi-  
9 wick structure with a plurality of hydraulically interconnected wick structures extending from  
10 the evaporation region into the condensation region for facilitating flow of the condensate  
11 toward the evaporation region, wherein a wicking power of the multi-wick structure increases  
12 with decreasing flow distance to the evaporation region to facilitate an increased flow rate of the  
13 condensate as the condensate approaches the evaporation region.

14 17. Microloops method of manufacture of its vapor augmented heatsinks includes all  
15 of the elements of the method claims of the '053 patent, including: forming at least one  
16 condensable fluid chamber with an evaporation region, and a condensation region with a  
17 converging flow condition as the condensate approaches the evaporation region; and forming a  
18 multi-wick structure with a wicking power increasing with decreasing flow distance to the  
19 evaporation region.

20 18. Defendant Sapphire incorporates Microloops vapor chambers into its products  
21 and manufactures, uses, offers for sale and sells graphics cards, including those cards designated  
22 as "vapor-x" series, including the Sapphire HD3870 Atomic, Sapphire HD4870 Toxic, Sapphire  
23 HD4890 Atomic, Sapphire HD4890 Toxic, Sapphire Vapor-x HD5750, the Sapphire Vapor-x



1 HD5870, and Sapphire Vapor-x HD4850, as well as others that incorporate a heat transfer device  
2 with all of the elements of the claims of the '053 patent, including: a condensable fluid chamber  
3 with an evaporation region configured for connection to a heat source and a condensation region,  
4 configured to cause the condensate to flow through increasingly less area in the vicinity of the  
5 evaporation region, giving rise to a converging flow condition as the condensate approaches the  
6 evaporation region; and a multi-wick structure with a plurality of hydraulically interconnected  
7 wick structures extending from the evaporation region into the condensation region for  
8 facilitating flow of the condensate toward the evaporation region, wherein a wicking power of  
9 the multi-wick structure increases with decreasing flow distance to the evaporation region to  
10 facilitate an increased flow rate of the condensate as the condensate approaches the evaporation  
11 region.

12 19. Defendant Hewlett Packard incorporates Microloops vapor chambers into its  
13 products and manufactures, uses, offers for sale and sells servers components, including those  
14 designated as "blade servers" including models ProLiant BL2x220c G5 Blade Server and a blade  
15 server cooler part number 468600-001, as well as others, which incorporate a heat transfer  
16 device with all of the elements of the claims of the '053 patent, including: a condensable fluid  
17 chamber with an evaporation region configured for connection to a heat source and a  
18 condensation region, configured to cause the condensate to flow through increasingly less area in  
19 the vicinity of the evaporation region, giving rise to a converging flow condition as the  
20 condensate approaches the evaporation region; and a multi-wick structure with a plurality of  
21 hydraulically interconnected wick structures extending from the evaporation region into the  
22 condensation region for facilitating flow of the condensate toward the evaporation region,  
23 wherein a wicking power of the multi-wick structure increases with decreasing flow distance to

1 the evaporation region to facilitate an increased flow rate of the condensate as the condensate  
2 approaches the evaporation region.

3 20. Defendant Dynatron incorporates Microloops vapor chambers into its products  
4 and manufactures, uses, offers for sale and sells servers components, including those designated  
5 as "CPU Coolers" including a model designated as "G218", as well as others, which incorporate  
6 a heat transfer device with all of the elements of the claims of the '053 patent, including: a  
7 condensable fluid chamber with an evaporation region configured for connection to a heat source  
8 and a condensation region, configured to cause the condensate to flow through increasingly less  
9 area in the vicinity of the evaporation region, giving rise to a converging flow condition as the  
10 condensate approaches the evaporation region; and a multi-wick structure with a plurality of  
11 hydraulically interconnected wick structures extending from the evaporation region into the  
12 condensation region for facilitating flow of the condensate toward the evaporation region,  
13 wherein a wicking power of the multi-wick structure increases with decreasing flow distance to  
14 the evaporation region to facilitate an increased flow rate of the condensate as the condensate  
15 approaches the evaporation region.

16 21. Defendant Molex incorporates Microloops vapor chambers into its products and  
17 manufactures, uses, offers for sale and sells the products to Defendant HP and others, the  
18 products include a heat transfer device with all of the elements of the claims of the '053 patent,  
19 including: a condensable fluid chamber with an evaporation region configured for connection to  
20 a heat source and a condensation region, configured to cause the condensate to flow through  
21 increasingly less area in the vicinity of the evaporation region, giving rise to a converging flow  
22 condition as the condensate approaches the evaporation region; and a multi-wick structure with  
23 a plurality of hydraulically interconnected wick structures extending from the evaporation region

1 into the condensation region for facilitating flow of the condensate toward the evaporation  
2 region, wherein a wicking power of the multi-wick structure increases with decreasing flow  
3 distance to the evaporation region to facilitate an increased flow rate of the condensate as the  
4 condensate approaches the evaporation region.

5 22. Defendant Dynaeon Industrial Co. incorporates Microloops vapor chambers into  
6 its products and manufactures, uses, offers for sale and sells those products to others, the  
7 products include a heat transfer device with all of the elements of the claims of the '053 patent,  
8 including: a condensable fluid chamber with an evaporation region configured for connection to  
9 a heat source and a condensation region, configured to cause the condensate to flow through  
10 increasingly less area in the vicinity of the evaporation region, giving rise to a converging flow  
11 condition as the condensate approaches the evaporation region; and a multi-wick structure with  
12 a plurality of hydraulically interconnected wick structures extending from the evaporation region  
13 into the condensation region for facilitating flow of the condensate toward the evaporation  
14 region, wherein a wicking power of the multi-wick structure increases with decreasing flow  
15 distance to the evaporation region to facilitate an increased flow rate of the condensate as the  
16 condensate approaches the evaporation region.

17 23. Defendant Inventec incorporates Microloops vapor chambers into its products and  
18 manufactures, uses, offers for sale and sells those products to Defendant HP and others, the  
19 products including include a heat transfer device with all of the elements of the claims of the  
20 '053 patent, including: a condensable fluid chamber with an evaporation region configured for  
21 connection to a heat source and a condensation region, configured to cause the condensate to  
22 flow through increasingly less area in the vicinity of the evaporation region, giving rise to a  
23 converging flow condition as the condensate approaches the evaporation region; and a multi-

1 wick structure with a plurality of hydraulically interconnected wick structures extending from  
2 the evaporation region into the condensation region for facilitating flow of the condensate  
3 toward the evaporation region, wherein a wicking power of the multi-wick structure increases  
4 with decreasing flow distance to the evaporation region to facilitate an increased flow rate of the  
5 condensate as the condensate approaches the evaporation region.

6 24. Defendant Foxconn Technology Group, incorporates Microloops vapor chambers  
7 into its products and manufactures, uses, offers for sale and sells those products to Defendant HP  
8 and others, the products include a heat transfer device with all of the elements of the claims of  
9 the '053 patent, including: a condensable fluid chamber with an evaporation region configured  
10 for connection to a heat source and a condensation region, configured to cause the condensate to  
11 flow through increasingly less area in the vicinity of the evaporation region, giving rise to a  
12 converging flow condition as the condensate approaches the evaporation region; and a multi-  
13 wick structure with a plurality of hydraulically interconnected wick structures extending from  
14 the evaporation region into the condensation region for facilitating flow of the condensate  
15 toward the evaporation region, wherein a wicking power of the multi-wick structure increases  
16 with decreasing flow distance to the evaporation region to facilitate an increased flow rate of the  
17 condensate as the condensate approaches the evaporation region.

18  
19 **PATENT INFRINGEMENT OF 7,422,053**  
20

21 25. Plaintiff realleges each and every allegation set forth above and incorporates them  
22 herein by reference.

23 26. Plaintiff owns and has at all times owned and has had standing to sue for  
24 infringement of United States Letters Patent 7,422,053 which was duly and legally issued on  
25 September 9, 2008.



herein by reference.

35. Upon information and belief, Defendant Sapphire has infringed and continues to infringe the claims of the '053 patent.

36. Upon information and belief, Defendant Sapphire has infringed and continues to infringe at least claims 1-5, 8, 9, 11, 12 and 18 of the '053 patent.

37. Upon information and belief, Defendant Sapphire has infringed and continues to infringe the claims of the '053 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling products which infringe the claims of the '053 patent. Sapphire's infringement is a literal infringement of the claims and/or an equivalent infringement of the claims.

38. Plaintiff is entitled to recover from Defendant Sapphire the damages sustained as a result of Defendant's infringing acts.

**COUNT III**  
**PATENT INFRINGEMENT BY HEWLETT PACKARD**

39. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

40. Upon information and belief, Defendant Hewlett Packard has infringed and continues to infringe the claims of the '053 patent.

41. Upon information and belief, Defendant Hewlett Packard has infringed and continues to infringe at least claims 1-5, 8, 9, 11, 12 and 18 of the '053 patent.

42. Upon information and belief, Defendant Hewlett Packard has infringed and continues to infringe the claims of the '053 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling products which infringe the

1 claims of the '053 patent. Hewlett Packard's infringement is a literal infringement of the claims  
2 and/or an equivalent infringement of the claims.

3 43. Plaintiff is entitled to recover from Defendant Hewlett Packard the damages  
4 sustained as a result of Defendant's infringing acts.

5 **COUNT IV**  
6 **PATENT INFRINGEMENT BY DYNATRON**  
7

8 44. Plaintiff realleges each and every allegation set forth above and incorporates them  
9 herein by reference.

10 45. Upon information and belief, Defendant Dynatron has infringed and continues to  
11 infringe the claims of the '053 patent.

12 46. Upon information and belief, Defendant Dynatron has infringed and continues to  
13 infringe at least claims 1-5, 8, 9, 11, 12 and 18 of the '053 patent.

14 47. Upon information and belief, Defendant Dynatron has infringed and continues to  
15 infringe the claims of the '053 patent by manufacturing or causing to be manufactured,  
16 distributing, using, offering to sell, and/or selling products which infringe the claims of the '053  
17 patent. Dynatron's infringement is a literal infringement of the claims and/or an equivalent  
18 infringement of the claims.

19 48. Plaintiff is entitled to recover from Defendant Dynatron the damages sustained as  
20 a result of Defendant's infringing acts.

21 49. Defendant Dynatron has had knowledge of Plaintiff's rights in the '053 patent  
22 since at least October 2008 and has continued its infringement with full knowledge of and in  
23 disregard for those rights, which constitutes willful infringement of Plaintiff's rights.  
24

**COUNT V**

**PATENT INFRINGEMENT BY MOLEX**

50. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

51. Upon information and belief, Defendant Molex has infringed and continues to infringe the claims of the '053 patent.

52.. Upon information and belief, Defendant Molex has infringed and continues to infringe at least claims 1-5, 8, 9, 11, 12 and 18 of the '053 patent.

53. Upon information and belief, Defendant Molex has infringed and continues to infringe the claims of the '053 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling products which infringe the claims of the '053 patent. Molex's infringement is a literal infringement of the claims and/or an equivalent infringement of the claims.

54. Plaintiff is entitled to recover from Defendant Molex the damages sustained as a result of Defendant's infringing acts.

55. Defendant Molex has had knowledge of Plaintiff's rights in the '053 patent since at least October 2008 and has continued its infringement with full knowledge of and in disregard for those rights, which constitutes willful infringement of Plaintiff's rights.

**COUNT VI**

**PATENT INFRINGEMENT BY DYNAEON**

56. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.





6           66. Plaintiff is entitled to recover from Defendant Inventec the damages sustained as  
7           a result of Defendant's infringing acts.

67. Defendant Inventec has had knowledge of Plaintiff's rights in the '053 patent since at least October 2008 and has continued its infringement with full knowledge of and in disregard for those rights, which constitutes willful infringement of Plaintiff's rights.

## PATENT INFRINGEMENT BY FOXCONN

4           68.     Plaintiff realleges each and every allegation set forth above and incorporates them  
5     herein by reference.

6           69.     Upon information and belief, Defendant Foxconn has infringed and continues to  
7     infringe the claims of the '053 patent.

70. Upon information and belief, Defendant Foxconn has infringed and continues to  
infringe at least claims 1-5, 8, 9, 11, 12 and 18 of the '053 patent.

71. Upon information and belief, Defendant Foxconn has infringed and continues to  
infringe the claims of the '053 patent by manufacturing or causing to be manufactured,  
distributing, using, offering to sell, and/or selling products which infringe the claims of the '053  
patent. Foxconn's infringement is a literal infringement of the claims and/or an equivalent

1 infringement of the claims.

2 72. Plaintiff is entitled to recover from Defendant Foxconn the damages sustained as  
3 a result of Defendant's infringing acts.

4 73. Defendant Foxconn has had knowledge of Plaintiff's rights in the '053 patent  
5 since at least October 2008 and has continued its infringement with full knowledge of and in  
6 disregard for those rights, which constitutes willful infringement of Plaintiff's rights.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgement against Defendants as follows:

10 74. That Defendants Microloops, Sapphire, Hewlett Packard, Dynatron, Molex  
11 Dynaeon, Inventec and Foxconn, be each individually held to have infringed the claims of the  
12 '530 patent.

13 75. That the Defendants Microloops, Sapphire, Hewlett Packard, Dynatron, Molex,  
14 Dynaeon , Inventec and Foxconn be held to have willfully infringed the '053 patent.

15 76. That Defendants, their customers, licensees, directors, officers, agents, servants,  
16 employees and all other persons in active concert or privity or in participation with them be  
17 enjoined from directly or indirectly infringing Plaintiff's patent.

18 77. That Defendants each individually be enjoined to deliver upon oath, to be  
19 impounded during the pendency of this action, and delivered to Plaintiff pursuant to judgement  
20 herein, all originals, copies, facsimiles, or duplicates of any software, device or system shown by  
21 the evidence to infringe Plaintiff's patent.

22 78. That Defendants each individually be required to file with the Court and to serve  
23 on Plaintiff, within 30 days after service of the Court's order as herein prayed, a report in writing

1 under oath setting forth in detail the manner and form in which Defendant has complied with the  
2 Court's order.

3 79. That judgement be entered for Plaintiff against Defendants, for Plaintiff's actual  
4 damages according to proof, and for any additional profits attributable to infringements of  
5 Plaintiff's patent.

6 80. That judgement be entered for Plaintiff against Defendants, for statutory damages  
7 based upon Defendants' acts of patent infringement and for its other violations of law.

8 81. That Defendants be required to account for all gains, profits, and advantages  
9 derived from its acts of infringement and for its other violations of law.

10 82. That judgement be entered for Plaintiff and against Defendants for trebling of the  
11 damages awarded for patent infringement due to willful infringement of the '053 patent.

12 83. That Plaintiff have judgement against the Defendants for Plaintiff's costs and  
13 attorney's fees.

14 84. That the Court grant such other, further, and different relief as the Court deems  
15 proper under the circumstances.

16 **DEMAND FOR JURY TRIAL**

17 Plaintiff hereby requests and demands a trial by jury on all issues so triable.

18  
19 Respectfully Submitted:

20  
21 /s/ Joseph J. Zito  
22 Joseph J. Zito  
23 ZITO tlp  
24 1250 Connecticut Avenue, NW,  
25 Suite 200  
26 Washington, D.C. 20036  
27 (202) 466-3500  
28 jzito@zitotlp.com

1 Richard B. Vaught  
2 The Law Office of Richard B. Vaught  
3 111 West St. John, Suite 500  
4 San Jose, CA 95113  
5 (877) 732 9216  
6 rvaught1@sbcglobal.net  
7  
8  
9

10 PROOF OF SERVICE  
11

12 The undersigned hereby certifies that the above SECOND AMENDED COMPLAINT is  
13 being filed through the CM/ECF System on this 28th day of December 2011, all counsel of  
14 record who are deemed to have consented to electronic service are being served with a copy of  
15 this document via the Court's CM/ECF system per Local Rule 5-4. The undersigned is not aware  
16 of any counsel or parties who are not authorized to receive notices through the CM/ECF system,  
17 therefore, no alternative service has been effected. Executed on December 28, 2011.  
18

19 /s/ Joseph J. Zito  
20 Joseph J. Zito  
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