

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IPVENTURE, INC.

Plaintiff,

vs.

- (1) ACER, INC.
- (2) ACER AMERICA CORPORATION
- (3) GATEWAY, INC.
- (4) ASUSTEK COMPUTER INC.
- (5) ASUS COMPUTER INTERNATIONAL
- (6) DELL INC.
- (7) LENOVO GROUP LIMITED
- (8) LENOVO (UNITED STATES) INC.
- (9) SAMSUNG ELECTRONICS CO., LTD.
- (10) SAMSUNG ELECTRONICS AMERICA, INC.
- (11) TOSHIBA CORPORATION
- (12) TOSHIBA AMERICA, INC.
- (13) TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

Defendants.

Civil Action No. 11-00588-RGA

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff IpVenture, Inc. ("IpVenture") hereby pleads the following claims for patent infringement against Defendants Acer, Inc., Acer America Corporation, Gateway Inc., ASUSTeK Computer Inc., ASUS Computer International, Dell Inc., Lenovo Group Limited,

Lenovo (United States) Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Toshiba Corporation, Toshiba America, Inc., and Toshiba America Information Systems, Inc. and alleges as follows:

THE PARTIES

1. Plaintiff IpVenture Inc. is a corporation organized and existing under the laws of the State of California, having its principal place of business at 5150 El Camino Real, Building A, Suite 22, Los Altos, California 94022.

2. On information and belief, Defendant Acer, Inc. is a corporation organized and existing under the laws of Taiwan, having a principal place of business at 8F, 88, Sec.1, Hsin Tai Wu Road, Hsichih, Taipei Hsien 221, Taiwan, R.O.C. Acer, Inc. is a multinational company which, among other things, provides personal computer products and services worldwide. According to Acer, Inc.'s website, Acer, Inc. is one of the largest worldwide PC vendors and has a consolidated sales and service network in more than 100 countries. Acer, Inc. conducts business throughout the United States, including in this judicial district. On information and belief, Acer, Inc. operates throughout the United States personally and through its subsidiaries, Acer America Corporation and Gateway, Inc., and transacts business in this judicial district, including by selling and offering for sale of its products.

3. On information and belief, Defendant Acer America Corporation is a corporation organized and existing under the laws of the state of California, having its principal place of business at 333 West San Carlos Street, Suite 1500, San Jose, CA 95110. On information and belief, Acer America Corporation operates throughout the United States and transacts business in this judicial district, including the sale and offering for sale of its products through authorized resellers in this judicial district.

4. On information and belief, Defendant Gateway, Inc. is a corporation organized and existing under the laws of the state of Delaware, having its principal place of business at 7565 Irvine Center Drive, Irvine, CA 92618. Its registered agent is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. On information and belief,

Gateway, Inc. operates throughout the United States and transacts business in this judicial district, including the sale and offering for sale of its products through authorized resellers in this judicial district. Gateway, Inc. is a wholly-owned subsidiary of Acer, Inc. In this complaint, Acer, Inc., Acer America Corporation, and Gateway, Inc. are collectively referred to as "Acer."

5. On information and belief, Defendant ASUSTeK Computer Inc. is a corporation organized and existing under the laws of Taiwan, having a principal place of business at ASUSTeK Computer Inc., 4F, 150, Li-Te Road, Beitou District, Taipei City, Taiwan, R.O.C. ASUSTeK Computer Inc. is a multinational company which, among other things, provides personal computer products and services worldwide. According to ASUSTeK Computer Inc.'s website, the company has a "global staff of more than ten thousand" and 2008 revenues of \$8.1 billion. ASUSTeK Computer Inc. conducts business throughout the United States, including in this judicial district. On information and belief, ASUSTeK Computer Inc. operates throughout the United States personally and through its wholly-owned subsidiary, ASUS Computer International, and transacts business in this judicial district, including by selling and offering for sale of its products.

6. On information and belief, Defendant ASUS Computer International is a corporation organized and existing under the laws of the state of California, having its principal place of business at 800 Corporate Way, Fremont, CA 94539. On information and belief, ASUS Computer International operates throughout the United States and transacts business in this judicial district, including the sale and offering for sale of its products in this judicial district. In this complaint, ASUSTeK Computer Inc. and ASUS Computer International are collectively referred to as "ASUS."

7. On information and belief, Defendant Dell Inc. ("Dell") is a corporation organized and existing under the laws of Delaware, having a principal place of business at 1 Dell Way, Round Rock, TX 78682. Its registered agent is Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808. Dell provides, among other things, personal computer products and services worldwide. Dell states on its website that "We're the number one provider

of PCs to large enterprises around the world and the number one provider to public sector customers in the United States." Dell transacts business in this judicial district, including by selling and offering for sale its products in this district.

8. On information and belief, Defendant Lenovo Group Limited is a corporation organized and existing under the laws of Hong Kong with principal places of business at 1009 Think Place, Morrisville, North Carolina 27560 and 23/F Lincoln House, Taikoo Place 979 King's Road, Quarry Bay, Hong Kong. Lenovo Group Limited is a multinational company which, among other things, provides personal computer products and services worldwide. According to Lenovo's website, Lenovo is one of the world's largest makers of personal computers. On information and belief, Lenovo Group Limited operates throughout the United States personally and through its wholly-owned indirect subsidiary, Lenovo (United States) Inc., and transacts business in this judicial district, including by selling and offering for sale of its products.

9. On information and belief, Defendant Lenovo (United States) Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 1009 Think Place, Morrisville, North Carolina 27560. On information and belief, Lenovo (United States) Inc. operates throughout the United States and transacts business in this judicial district, including by selling and offering for sale of its products. In this complaint, Lenovo Group Limited and Lenovo (United States) Inc. are collectively referred to as "Lenovo."

10. On information and belief, Samsung Electronics Co., Ltd. is a corporation organized and existing under the laws of Korea with a principal place of business at Samsung Electronics Bldg., 1320-10, Seocho-2-dong, Seocho-gu, Seoul 137-857, Republic of Korea. Samsung Electronics Co., Ltd. is a multinational company which, among other things, provides personal computer products and services worldwide. According to its website, Samsung Electronics Co., Ltd. is a "global leader in semiconductor, telecommunication, digital media, and digital convergence technologies" that employs "approximately 190,500 people in 206 offices in 68 countries." On information and belief, Samsung Electronics Co. Ltd operates throughout the

United States personally and through its wholly-owned subsidiary, Samsung Electronics America, Inc. and transacts business in this judicial district, including by selling and offering for sale of its products.

11. On information and belief, Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of New York with its principal place of business at 85 Challenger Rd., Ridgefield Park, NJ 07660. On information and belief, Samsung Electronics America, Inc. operates throughout the United States and transacts business in this judicial district, including by selling and offering for sale of its products. In this complaint, Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. are collectively referred to as "Samsung."

12. On information and belief, Defendant Toshiba Corporation is a corporation organized and existing under the laws of Japan with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. Toshiba Corporation is a multinational company which, among other things, provides personal computer products and services worldwide. According to its 2011 Annual Report, Toshiba Corporation had cumulative worldwide shipments of over 100 million notebook PCs. On information and belief, Toshiba Corporation operates throughout the United States personally and through its direct and indirect subsidiaries, Toshiba America, Inc. and Toshiba America Information Systems, Inc., and transacts business in this judicial district, including by selling and offering for sale of its products.

13. On information and belief, Defendant Toshiba America, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, NY 10020. Its registered agent is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. On information and belief, Toshiba America, Inc. operates throughout the United States and transacts business in this judicial district, including the sale and offering for sale of its products.

14. On information and belief, Defendant Toshiba America Information Systems, Inc. is a corporation organized and existing under the laws of California with its principal place of business at 9740 Irvine Blvd, Irvine, CA 92618. It is registered in Delaware with a registered agent at The Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. On information and belief, Toshiba America Information Systems, Inc. operates throughout the United States and transacts business in this judicial district, including by selling and offering for sale of its products. In this complaint, Toshiba Corporation, Toshiba America, Inc., and Toshiba America Information Systems, Inc. are collectively referred to as "Toshiba."

THE ASSERTED PATENTS

15. United States Patent No. 7,937,599 ("the "'599 patent"), entitled "Thermal and Power Management for Computer Systems," was duly and legally issued on May 3, 2011. IpVenture is the owner by assignment of the entire right, title and interest in and to the '599 patent, and holds the right to sue and recover for past, present and future infringement. A true and correct copy of the '599 patent is attached as Exhibit A.

16. United States Patent No. 7,506,190 ("the "'190 patent"), entitled "Thermal and Power Management for Computer Systems," was duly and legally issued on March 17, 2009. IpVenture is the owner by assignment of the entire right, title and interest in and to the '190 patent, and holds the right to sue and recover for past, present and future infringement. A copy of the '190 patent is attached as Exhibit B.

17. United States Patent No. 6,487,668 ("the "'668 patent"), entitled "Thermal and Power Management to Computer Systems," was duly and legally issued on November 26, 2002. IpVenture is the owner by assignment of the entire right, title and interest in and to the '668 patent, and holds the right to sue and recover for past, present and future infringement. A copy of the '668 patent is attached as Exhibit C.

18. United States Patent No. 7,167,993 ("the "'993 patent"), entitled "Thermal and Power Management For Computer Systems," was duly and legally issued on January 23, 2007. IpVenture is the owner by assignment of the entire right, title and interest in and to the '993

patent, and holds the right to sue and recover for past, present and future infringement. A copy of the '993 patent is attached as Exhibit D.

JURISDICTION, VENUE AND JOINDER

19. This is an action for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. §§ 1 *et seq.*, including § 271. This Court therefore has subject matter jurisdiction over the matters pleaded herein under 28 U.S.C. §§ 1338(a) and § 1331.

20. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c) because, among other reasons, Defendants Acer, Inc., Acer America Corporation, ASUSTeK Computer Inc., ASUS Computer International, Dell Inc., Lenovo Group Limited, Lenovo (United States) Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Toshiba Corporation, Toshiba America, Inc., and Toshiba America Information Systems, Inc. (collectively, the "Defendants") are subject to personal jurisdiction in this District and have committed acts of infringement in this District. On information and belief, Defendants have sold and offered for sale infringing products in this District. Gateway, Inc., Dell Inc., Lenovo (United States) Inc., and Toshiba America, Inc. are Delaware Corporations.

21. Joinder of the Defendants in this action is proper pursuant to Fed. R. Civ. Proc. 20(a)(2) and the Leahy-Smith America Invents Act of 2011, H.R. 1249, 112th Cong. § 299 (2011) ("AIA"). IpVenture's claims for relief asserted against the Defendants for infringement of the '599, '190, '668 and '993 patents arise out of the same transaction, occurrence, or series of transaction or occurrences, and questions of law or fact common to all Defendants will arise in the action. All of the claims for relief alleged herein arise under the same patents-in-suit, namely IpVenture's '599, '190, '668, and '993 patents.

22. Joinder of the Defendants in this action also is proper under the AIA. In addition to Defendants' infringement of the same patents, all Defendants are alleged to infringe IpVenture's patents with respect to the making, using, importing into the United States, offering for sale, or selling computers, including notebook computers, which constitute the same infringing apparatus and/or perform the same infringing process. The infringing products are made, used, sold or

imported with common components and/or software from common suppliers, including one or more Intel microprocessors, one or more cooling fans, operating systems (such as Microsoft Windows operating systems), embedded controllers, as well as other common components that raise common questions of fact as to all Defendants on at least the issues of infringement, claim construction, and validity. The common components and software are integral to the Defendants' implementation of thermal management functionality as claimed in one or more claims of IpVenture's '599, '190, '668, and '993 patents. The Defendants thus all make, sell and/or import into the United States infringing devices which contain identically or substantially similar sourced components with respect to thermal and power management and the infringement of IpVenture's '599, '190, '668, and '993 patents.

23. The infringing products also share other commonalities, in addition to matters that may be learned during the course of discovery. For example, the Defendants' infringing computers are marketed and sold as "ACPI compliant," meaning the products are represented as being compliant with the Advanced Configuration and Power Interface Specification ("ACPI"). ACPI provides detailed guidance regarding a common thermal management architecture. The ACPI specification provides in part:

The Advanced Configuration and Power Interface (ACPI) specification was developed to establish industry common interfaces enabling robust operating system (OS)-directed motherboard device configuration and power management of both devices and entire systems

ACPI Specification v.3.0b at 1 (October 10, 2006); ACPI Specification v. 4.0a (April 5, 2010). The ACPI specification also details active and passive thermal management protocols for the use of fans and throttling the speed at which the processor operates.

24. The Defendants' infringing computers also all are sold with a common operating system from Microsoft. On information and belief, the Defendants are all members of Microsoft's Original Equipment Manufacturing Partnership Group ("MS OEM"). The MS OEM organization requires its members such as the Defendants' to share customers stories, hire

individuals with certain Microsoft-related qualifications, and to submit devices to Microsoft for testing to ensure they meet Microsoft specifications.

25. On information and belief, the Defendants share overlapping manufacturers, typically referred to as an original device manufacturer ("ODM"). As such, an infringing device manufactured by the same ODM may be the same regardless of whether the device bears the brand of one Defendant or another Defendant. Discovery will provide additional particulars regarding the Defendants' sale, use, and importation of common infringing devices from shared ODMs such as Foxconn, Pegatron, Quanta, and Wistron.

26. Thermal management is important to Defendants and their products. The infringing computers contain thermal management components and features systems that are material to the function and operation of all the infringing computers. Defendants have employed the thermal management technologies patented by IpVenture to allow Defendants products to perform as intended.

FIRST CLAIM FOR RELIEF FOR PATENT INFRINGEMENT

(Infringement of U.S. Patent No. 7,937,599)

27. IpVenture hereby incorporates the allegations of Paragraphs 1 through 24 as if fully set forth herein.

Lenovo's Infringement Of The '599 Patent

28. IpVenture is informed and believes, and thereon alleges, that Lenovo has infringed and is currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Lenovo brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

29. Lenovo has infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). Lenovo actively induces its customers and end users to infringe the '599 patent through, among other things, causing

infringement of the IpVenture patents through normal use of the Lenovo brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Lenovo brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Lenovo had knowledge of one of more patents in the '599 patent family at least since July 5, 2011 when IpVenture filed the Complaint against Lenovo in this action in which IpVenture alleged that Lenovo was infringing the '599 patent.

30. On information and belief, Lenovo also had knowledge of the '599 patent before July 5, 2011 as a result of Lenovo's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Samuel J. Palmisano, then president of Lenovo's predecessor-in-interest International Business Machines Corporation ("IBM"), a notice by certified mail that its ThinkPad series computers appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the same patent family as the '599 patent. Lenovo purchased IBM's personal computer division in May 2005. Lenovo would also have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony Corporation ("Sony") and Panasonic Corporation ("Panasonic") on patents in the '599 patent family and a February 2011 press release describing the settlement of litigation between IpVenture and Sony and the fact that Sony has taken a license to patents in the '599 patent family. Additional facts regarding Lenovo's knowledge of the '599 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

31. On information and belief, Lenovo intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

32. On information and belief, Lenovo has infringed and continues to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. Lenovo's offering to sell and selling within the United States and importing into the United States Lenovo brand computers, contributed to the direct infringement of the '599 patent by at least end users and customers of the Lenovo-branded computers. On information and belief, Lenovo had knowledge that the Lenovo-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Lenovo had such knowledge at least since July 5, 2011 when IpVenture filed the Complaint in this action alleging Lenovo's infringement of the '599 patent. Additional facts regarding Lenovo's knowledge of the '599 patent before July 5, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Lenovo had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

33. On information and belief, Lenovo's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Lenovo had knowledge that it was infringing the '599 patent at least since July 5, 2011 when IpVenture filed the Complaint against Lenovo identifying Lenovo directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information Lenovo egregiously has continued to actively sell, offer for sale, and/or import into the United States Lenovo brand computers, including notebook computers, that practice and/or

utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by Lenovo is deliberate in light of it being provided notice of the '599 patents. Lenovo continued to sell and/or import Lenovo-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to Lenovo.

Samsung's Infringement Of The '599 Patent

34. IpVenture is informed and believes, and thereon alleges, that Samsung has infringed and is currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Samsung brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

35. Samsung has infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). Samsung actively induces its customers and end users to infringe the '599 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Samsung brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Samsung brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Samsung had knowledge of one of more patents in the '599 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung in this action in which IpVenture alleged that Samsung was infringing the '599 patent.

36. On information and belief, Samsung also had knowledge of the '599 patent before November 28, 2011 as a result of Samsung's knowledge regarding IpVenture's patents. Samsung cited in one or more patents assigned to Samsung, patents in the same family as the '599 patent

as prior art to Samsung patents, including United States Patent No. 6,854,064, entitled "ACPI Compliant Computer System And Overtemperature Protection Method Therefor." Samsung would also have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic on patents in the '599 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and Sony and the fact that Sony took a license to patents in the '599 patent family. Additional facts regarding Samsung's knowledge of the '599 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

37. On information and belief, Samsung intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

38. On information and belief, Samsung has infringed and continues to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. Samsung's offering to sell and selling within the United States and importing into the United States Samsung brand computers, contributed to the direct infringement of the '599 patent by at least end users and customers of the Samsung-branded computers. On information and belief, Samsung had knowledge that the Samsung-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of

the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Samsung had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Samsung's infringement of the '599 patent. Additional facts regarding Samsung's knowledge of the '599 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Samsung had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

39. On information and belief, Samsung's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Samsung had knowledge that it was infringing the '599 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung identifying Samsung directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information Samsung egregiously has continued to actively sell, offer for sale, and/or import into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by Samsung is deliberate in light of it being provided notice of the '599 patents. Samsung continued to sell and/or import Samsung-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to Samsung.

Toshiba's Infringement Of The '599 Patent

40. IpVenture is informed and believes, and thereon alleges, that Toshiba has infringed and is currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Toshiba brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

41. Toshiba has infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). Toshiba actively induces its customers and end users to infringe the '599 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Toshiba brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Toshiba brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Toshiba had knowledge of one of more patents in the '599 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba in this action in which IpVenture alleged that Toshiba was infringing the '599 patent.

42. On information and belief, Toshiba also had knowledge of the '599 patent before November 28, 2011 as a result of Toshiba's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Mr. Shunichi Yamashita, Chairman and CEO of Toshiba America, Inc., and Hisatsugu Nonaka, President of Toshiba America Information Systems, Inc. a notice by certified mail that Toshiba products, including various notebook computers, appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '599 patent family. Toshiba also had knowledge of one or more patents in the '599 patent family given that Toshiba cited in one or more patents assigned to Toshiba, patents in the '599 patent family as prior art to Toshiba patents. These patents include at least:

- United States Patent No. 6,701,273, entitled "Method And Apparatus For Controlling Internal Heat Generating Circuitry," which issued March 2, 2004 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '599 patent family.
- United States Patent No. 7,148,589, entitled "Method and apparatus for controlling internal heat generating circuitry," which issued December 12, 2006 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '599 patent family.

- United States Patent No. 6,243,656, entitled "Cooling Mode Switching System For CPU," which issued June 1, 2001 and is assigned to Kabushiki Kaisha Toshiba, cites two patents in the '599 family.
- United States Patent No. 6,463,396, entitled "Apparatus For Controlling Internal Heat Generating Circuit," which issued October 8, 2002 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '599 family.
- United States Patent No. 6,014,611, entitled "Cooling Mode Switching System For CPU," which issued January 11, 2000 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '599 family.
- United States Patent No. 7,421,609, entitled "Method, System And Apparatus For Producing A Clock With Desired Frequency Characteristics," which issued September 2, 2008 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '599 family.

Toshiba would have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '599 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '599 patent family. Additional facts regarding Toshiba's knowledge of the '599 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

43. On information and belief, Toshiba intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

44. On information and belief, Toshiba has infringed and continues to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. Toshiba's offering to sell and selling within the United States and importing into the United States Toshiba brand computers, contributed to the direct infringement of the '599 patent by at least end users and customers of the Toshiba-branded computers. On information and belief, Toshiba had knowledge that the Toshiba-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Toshiba had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Toshiba's infringement of the '599 patent. Additional facts regarding Toshiba's knowledge of the '599 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Toshiba had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

45. On information and belief, Toshiba's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Toshiba had knowledge that it was infringing the '599 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba identifying Toshiba directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information Toshiba egregiously has continued to actively sell, offer for sale, and/or import into the United States Toshiba brand computers, including notebook computers,

that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by Toshiba is deliberate in light of it being provided notice of the '599 patents. Toshiba continued to sell and/or import Toshiba-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to Toshiba.

Acer And Gateway's Infringement Of The '599 Patent

46. IpVenture is informed and believes, and thereon alleges, that Acer and Gateway have infringed and are currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Acer and Gateway brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

47. Acer and Gateway have infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). Acer and Gateway actively induces their customers and end users to infringe the '599 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Acer and Gateway brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Acer and Gateway brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Acer and Gateway had knowledge of one of more patents in the '599 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway in this action in which IpVenture alleged that Acer and Gateway were infringing the '599 patent.

48. On information and belief, Acer and Gateway also had knowledge of the '599 patent before November 28, 2011 as a result of Acer and Gateway's knowledge regarding

IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Patrick S.N. Lin, then president and Chief Operating Officer of Acer America Corp., a notice by certified mail that various Acer products appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '599 patent family. IpVenture also provided notices in September 2003 by certified mail to entities that are now subsidiaries of Acer, including eMachines, Inc. and Gateway Inc. Acer and Gateway also had knowledge of one or more patents in the '599 patent family given that Acer, Gateway or their subsidiaries cited in patents assigned to Acer, Gateway or their subsidiaries one or more patents in the '599 patent family as prior art to the Acer or Gateway patents. These patents include at least:

- United States Patent No. 6,453,378, entitled "Portable Computer With Enhanced Performance Management," which issued September 17, 2002 and is assigned to Gateway, Inc., cites a patent in the '599 patent family.
- United States Patent No. 6,691,197, entitled "Portable Computer With Enhanced Performance Management," which issued February 10, 2004 and is assigned to Gateway, Inc., cites a patent in the '599 family.

Acer and Gateway would have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '599 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '599 patent family. Additional facts regarding Acer and Gateway's knowledge of the '599 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants'

willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

49. On information and belief, Acer and Gateway intend their computers be used in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

50. On information and belief, Acer and Gateway have infringed and continue to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. Acer and Gateway's offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, contributed to the direct infringement of the '599 patent by at least end users and customers of the Acer- and Gateway-branded computers. On information and belief, Acer and Gateway had knowledge that the Acer and Gateway-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Acer and Gateway had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Acer and Gateway's infringement of the '599 patent. Additional facts regarding Acer and Gateway's knowledge of the '599 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Acer and Gateway had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

51. On information and belief, Acer and Gateway's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Acer and Gateway had knowledge that they were infringing the '599 patent at

least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway identifying Acer and Gateway directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information Acer and Gateway egregiously have continued to actively sell, offer for sale, and/or import into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by Acer and Gateway is deliberate in light of their being provided notice of the '599 patents. Acer and Gateway continued to sell and/or import Acer- and Gateway-brand computers, including notebook computers despite an objectively high likelihood that their actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to Acer and Gateway.

Dell's Infringement Of The '599 Patent

52. IpVenture is informed and believes, and thereon alleges, that Dell has infringed and is currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Dell brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

53. Dell has infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). Dell actively induces its customers and end users to infringe the '599 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Dell brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Dell brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Dell had knowledge of one of more patents in the '599 patent family at least since November 28,

2011 when IpVenture filed the Amended Complaint against Dell in this action in which IpVenture alleged that Dell was infringing the '599 patent.

54. On information and belief, Dell also had knowledge of the '599 patent before November 28, 2011 as a result of Dell's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Kevin B. Rollins, then president and chief operating officer of Dell, a notice by certified mail that Dell products appear to utilize the technologies patented by IpVenture and may be infringing one or more patents in the '599 patent family. Dell also had knowledge of one or more patents in the '599 patent family given that Dell cited in patents assigned to Dell patents in the '599 patent family as prior art to the Dell patents. These patents include at least:

- United States Patent No. 6,928,565, entitled "Computer System Thermal Lap Management Method And Apparatus," which issued August 9, 2005 and is assigned to Dell Products L.P., cites a patent in the '599 patent family. On information and belief, "Dell Products L.P." is a subsidiary of Dell Corporation.
- United States Patent No. 7,401,243, entitled "Demand-Based Dynamic Clock Control For Transaction Processors," which issued July 15, 2008 and is assigned to Dell Products L.P., cites two patents in the '599 patent family.
- United States Patent No. 7,464,277, entitled "Microprocessor Performance Mode Control Utilizing Sensed Temperature As An Indication Of Microprocessor Utilization," which issued December 9, 2008 and is assigned to Dell Products L.P., cites one patent in the '599 patent family.

Dell would have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '599 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '599 patent family. Additional facts regarding Dell's knowledge of the '599 patent, presently

unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

55. On information and belief, Dell intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

56. On information and belief, Dell has infringed and continues to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. Dell's offering to sell and selling within the United States and importing into the United States Dell brand computers, contributed to the direct infringement of the '599 patent by at least end users and customers of the Dell-branded computers. On information and belief, Dell had knowledge that the Dell-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Dell had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Dell's infringement of the '599 patent. Additional facts regarding Dell's knowledge of the '599 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Dell had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

57. On information and belief, Dell's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Dell has knowledge that it was infringing the '599 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell identifying Dell directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information Dell egregiously has continued to actively sell, offer for sale, and/or import into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by Dell is deliberate in light of it being provided notice of the '599 patents. Dell continued to sell and/or import Dell-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to Dell.

ASUS's Infringement Of The '599 Patent

58. IpVenture is informed and believes, and thereon alleges, that ASUS has infringed and is currently infringing the '599 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, ASUS brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent.

59. ASUS has infringed and continues to infringe the '599 patent by actively inducing others to infringe the '599 patent in violation of 35 U.S.C. 271(b). ASUS actively induces its customers and end users to infringe the '599 patent through, among other things, causing infringement of the IpVenture patents through normal use of the ASUS brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing ASUS brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended.

ASUS had knowledge of one of more patents in the '599 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS in this action in which IpVenture alleged that ASUS was infringing the '599 patent.

60. On information and belief, ASUS also had knowledge of the '599 patent before November 28, 2011 as a result of ASUS's knowledge regarding IpVenture's patents. ASUS would have been made aware of its infringement of the '599 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '599 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '599 patent family. Additional facts regarding ASUS's knowledge of the '599 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '599 family, including the disclosure of the '599 patent. To the extent that Defendants contend they were unaware of the claims of the '599 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '599 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '599 patent.

61. On information and belief, ASUS intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '599 patent with knowledge that its products were especially adapted for use in an infringement of the '599 patent.

62. On information and belief, ASUS has infringed and continues to contributorily infringe the '599 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '599 patent. ASUS's offering to sell and selling within the United States and importing into the United States ASUS brand computers, contributed to the direct infringement of the '599 patent by at least end

users and customers of the ASUS-branded computers. On information and belief, ASUS had knowledge that the ASUS-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '599 patent, are especially made or adapted for use in an infringement of the '599 patent and are not staple articles of commerce suitable for substantial non-infringing uses. ASUS had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging ASUS's infringement of the '599 patent. Additional facts regarding ASUS's knowledge of the '599 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, ASUS had knowledge of patents in the '599 family, including the disclosure of the '599 patent.

63. On information and belief, ASUS's infringement of the '599 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. ASUS has knowledge that it was infringing the '599 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS identifying ASUS directly, indirectly, contributorily and willfully infringing the '599 patent. Despite being provided with this information ASUS egregiously has continued to actively sell, offer for sale, and/or import into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '599 patent. This decision by ASUS is deliberate in light of it being provided notice of the '599 patents. ASUS continued to sell and/or import ASUS-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '599 patent. This objective risk of infringement of the '599 patent was either known or so obvious that it should have been known to ASUS.

64. Defendants' acts of infringement have caused damage to IpVenture, and IpVenture is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial. Unless enjoined, Defendants'

infringement of IpVenture's rights under the '599 patent will to continue to damage IpVenture, causing IpVenture irreparable injury as a direct and proximate result of Defendants' conduct.

SECOND CLAIM FOR RELIEF FOR PATENT INFRINGEMENT

Infringement of U.S. Patent No. 7,506,190

65. IpVenture hereby incorporates the allegations of Paragraphs 1 through 24 as if fully set forth herein.

Lenovo's Infringement Of The '190 Patent

66. IpVenture is informed and believes, and thereon alleges, that Lenovo has infringed and is currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Lenovo brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

67. Lenovo has infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). Lenovo actively induces its customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Lenovo brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Lenovo brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Lenovo had knowledge of one of more patents in the '190 patent family at least since July 5, 2011 when IpVenture filed the Complaint against Lenovo in this action in which IpVenture alleged that Lenovo was infringing the '190 patent.

68. On information and belief, Lenovo also had knowledge of the '190 patent before July 5, 2011 as a result of Lenovo's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Samuel J. Palmisano, then president of Lenovo's predecessor-in-

interest International Business Machines Corporation ("IBM"), a notice by certified mail that its ThinkPad series computers appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the same patent family as the '190 patent. Lenovo purchased IBM's personal computer division in May 2005. Lenovo would also have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony Corporation ("Sony") and Panasonic Corporation ("Panasonic") on patents in the '190 patent family and a February 2011 press release describing the settlement of litigation between IpVenture and Sony and the fact that Sony has taken a license to patents in the '190 patent family. Additional facts regarding Lenovo's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190 patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

69. On information and belief, Lenovo intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

70. On information and belief, Lenovo has infringed and continues to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. Lenovo's offering to sell and selling within the United States and importing into the United States Lenovo brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the Lenovo-branded computers. On information and belief,

Lenovo had knowledge that the Lenovo-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Lenovo had such knowledge at least since July 5, 2011 when IpVenture filed the Complaint in this action alleging Lenovo's infringement of the '190 patent. Additional facts regarding Lenovo's knowledge of the '190 patent before July 5, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Lenovo had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

71. On information and belief, Lenovo's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Lenovo had knowledge that it was infringing the '190 patent at least since July 5, 2011 when IpVenture filed the Complaint against Lenovo identifying Lenovo directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information Lenovo egregiously has continued to actively sell, offer for sale, and/or import into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by Lenovo is deliberate in light of it being provided notice of the '190 patents. Lenovo continued to sell and/or import Lenovo-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to Lenovo.

Samsung's Infringement Of The '190 Patent

72. IpVenture is informed and believes, and thereon alleges, that Samsung has infringed and is currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Samsung brand

computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

73. Samsung has infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). Samsung actively induces its customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Samsung brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Samsung brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Samsung had knowledge of one of more patents in the '190 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung in this action in which IpVenture alleged that Samsung was infringing the '190 patent.

74. On information and belief, Samsung also had knowledge of the '190 patent before November 28, 2011 as a result of Samsung's knowledge regarding IpVenture's patents. Samsung cited in one or more patents assigned to Samsung, patents in the same family as the '190 patent as prior art to Samsung patents, including United States Patent No. 6,854,064, entitled "ACPI Compliant Computer System And Overtemperature Protection Method Therefor." Samsung would also have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic on patents in the '190 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and Sony and the fact that Sony took a license to patents in the '190 patent family. Additional facts regarding Samsung's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190 patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent

notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

75. On information and belief, Samsung intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

76. On information and belief, Samsung has infringed and continues to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. Samsung's offering to sell and selling within the United States and importing into the United States Samsung brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the Samsung-branded computers. On information and belief, Samsung had knowledge that the Samsung-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Samsung had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Samsung's infringement of the '190 patent. Additional facts regarding Samsung's knowledge of the '190 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Samsung had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

77. On information and belief, Samsung's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Samsung had knowledge that it was infringing the '190 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung identifying Samsung

directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information Samsung egregiously has continued to actively sell, offer for sale, and/or import into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by Samsung is deliberate in light of it being provided notice of the '190 patents. Samsung continued to sell and/or import Samsung-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to Samsung.

Toshiba's Infringement Of The '190 Patent

78. IpVenture is informed and believes, and thereon alleges, that Toshiba has infringed and is currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Toshiba brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

79. Toshiba has infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). Toshiba actively induces its customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Toshiba brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Toshiba brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Toshiba had knowledge of one of more patents in the '190 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba in this action in which IpVenture alleged that Toshiba was infringing the '190 patent.

80. On information and belief, Toshiba also had knowledge of the '190 patent before November 28, 2011 as a result of Toshiba's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Mr. Shunichi Yamashita, Chairman and CEO of Toshiba America, Inc., and Hisatsugu Nonaka, President of Toshiba America Information Systems, Inc. a notice by certified mail that Toshiba products, including various notebook computers, appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '190 patent family. Toshiba also had knowledge of one or more patents in the '190 patent family given that Toshiba cited in one or more patents assigned to Toshiba, patents in the '190 patent family as prior art to Toshiba patents. These patents include at least:

- United States Patent No. 6,701,273, entitled "Method And Apparatus For Controlling Internal Heat Generating Circuitry," which issued March 2, 2004 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '190 patent family.
- United States Patent No. 7,148,589, entitled "Method and apparatus for controlling internal heat generating circuitry," which issued December 12, 2006 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '190 patent family.
- United States Patent No. 6,243,656, entitled "Cooling Mode Switching System For CPU," which issued June 1, 2001 and is assigned to Kabushiki Kaisha Toshiba, cites two patents in the '190 family.
- United States Patent No. 6,463,396, entitled "Apparatus For Controlling Internal Heat Generating Circuit," which issued October 8, 2002 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '190 family.
- United States Patent No. 6,014,611, entitled "Cooling Mode Switching System For CPU," which issued January 11, 2000 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '190 family.
- United States Patent No. 7,421,609, entitled "Method, System And Apparatus For Producing A Clock With Desired Frequency Characteristics," which issued

September 2, 2008 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '190 family.

Toshiba would have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '190 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '190 patent family. Additional facts regarding Toshiba's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190 patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

81. On information and belief, Toshiba intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

82. On information and belief, Toshiba has infringed and continues to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. Toshiba's offering to sell and selling within the United States and importing into the United States Toshiba brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the Toshiba-branded computers. On information and belief, Toshiba had knowledge that the Toshiba-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of

the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Toshiba had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Toshiba's infringement of the '190 patent. Additional facts regarding Toshiba's knowledge of the '190 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Toshiba had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

83. On information and belief, Toshiba's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Toshiba had knowledge that it was infringing the '190 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba identifying Toshiba directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information Toshiba egregiously has continued to actively sell, offer for sale, and/or import into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by Toshiba is deliberate in light of it being provided notice of the '190 patents. Toshiba continued to sell and/or import Toshiba-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to Toshiba.

Acer And Gateway's Infringement Of The '190 Patent

84. IpVenture is informed and believes, and thereon alleges, that Acer and Gateway have infringed and are currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Acer and Gateway brand computers, including notebook computers, that contain and/or utilize thermal

management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

85. Acer and Gateway have infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). Acer and Gateway actively induces their customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Acer and Gateway brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Acer and Gateway brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Acer and Gateway had knowledge of one of more patents in the '190 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway in this action in which IpVenture alleged that Acer and Gateway were infringing the '190 patent.

86. On information and belief, Acer and Gateway also had knowledge of the '190 patent before November 28, 2011 as a result of Acer and Gateway's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Patrick S.N. Lin, then president and Chief Operating Officer of Acer America Corp., a notice by certified mail that various Acer products appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '190 patent family. IpVenture also provided notices in September 2003 by certified mail to entities that are now subsidiaries of Acer, including eMachines, Inc. and Gateway Inc. Acer and Gateway also had knowledge of one or more patents in the '190 patent family given that Acer, Gateway or their subsidiaries cited in patents assigned to Acer, Gateway or their subsidiaries one or more patents in the '190 patent family as prior art to the Acer or Gateway patents. These patents include at least:

- United States Patent No. 6,453,378, entitled "Portable Computer With Enhanced Performance Management," which issued September 17, 2002 and is assigned to Gateway, Inc., cites a patent in the '190 patent family.

- United States Patent No. 6,691,197, entitled "Portable Computer With Enhanced Performance Management," which issued February 10, 2004 and is assigned to Gateway, Inc., cites a patent in the '190 family.

Acer and Gateway would have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '190 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '190 patent family. Additional facts regarding Acer and Gateway's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190 patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

87. On information and belief, Acer and Gateway intend their computers be used in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

88. On information and belief, Acer and Gateway have infringed and continue to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. Acer and Gateway's offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the Acer- and

Gateway-branded computers. On information and belief, Acer and Gateway had knowledge that the Acer and Gateway-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Acer and Gateway had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Acer and Gateway's infringement of the '190 patent. Additional facts regarding Acer and Gateway's knowledge of the '190 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Acer and Gateway had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

89. On information and belief, Acer and Gateway's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Acer and Gateway had knowledge that they were infringing the '190 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway identifying Acer and Gateway directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information Acer and Gateway egregiously have continued to actively sell, offer for sale, and/or import into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by Acer and Gateway is deliberate in light of their being provided notice of the '190 patents. Acer and Gateway continued to sell and/or import Acer- and Gateway-brand computers, including notebook computers despite an objectively high likelihood that their actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to Acer and Gateway.

Dell's Infringement Of The '190 Patent

90. IpVenture is informed and believes, and thereon alleges, that Dell has infringed and is currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Dell brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

91. Dell has infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). Dell actively induces its customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Dell brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Dell brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Dell had knowledge of one or more patents in the '190 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell in this action in which IpVenture alleged that Dell was infringing the '190 patent.

92. On information and belief, Dell also had knowledge of the '190 patent before November 28, 2011 as a result of Dell's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Kevin B. Rollins, then president and chief operating officer of Dell, a notice by certified mail that Dell products appear to utilize the technologies patented by IpVenture and may be infringing one or more patents in the '190 patent family. Dell also had knowledge of one or more patents in the '190 patent family given that Dell cited in patents assigned to Dell patents in the '190 patent family as prior art to the Dell patents. These patents include at least:

- United States Patent No. 6,928,565, entitled "Computer System Thermal Lap Management Method And Apparatus," which issued August 9, 2005 and is

assigned to Dell Products L.P., cites a patent in the '190 patent family. On information and belief, "Dell Products L.P." is a subsidiary of Dell Corporation.

- United States Patent No. 7,401,243, entitled "Demand-Based Dynamic Clock Control For Transaction Processors," which issued July 15, 2008 and is assigned to Dell Products L.P., cites two patents in the '190 patent family.
- United States Patent No. 7,464,277, entitled "Microprocessor Performance Mode Control Utilizing Sensed Temperature As An Indication Of Microprocessor Utilization," which issued December 9, 2008 and is assigned to Dell Products L.P., cites one patent in the '190 patent family.

Dell would have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '190 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '190 patent family. Additional facts regarding Dell's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190 patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

93. On information and belief, Dell intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

94. On information and belief, Dell has infringed and continues to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Dell brand computers, including notebook

computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. Dell's offering to sell and selling within the United States and importing into the United States Dell brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the Dell-branded computers. On information and belief, Dell had knowledge that the Dell-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Dell had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Dell's infringement of the '190 patent. Additional facts regarding Dell's knowledge of the '190 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Dell had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

95. On information and belief, Dell's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Dell has knowledge that it was infringing the '190 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell identifying Dell directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information Dell egregiously has continued to actively sell, offer for sale, and/or import into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by Dell is deliberate in light of it being provided notice of the '190 patents. Dell continued to sell and/or import Dell-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to Dell.

ASUS's Infringement Of The '190 Patent

96. IpVenture is informed and believes, and thereon alleges, that ASUS has infringed and is currently infringing the '190 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, ASUS brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent.

97. ASUS has infringed and continues to infringe the '190 patent by actively inducing others to infringe the '190 patent in violation of 35 U.S.C. 271(b). ASUS actively induces its customers and end users to infringe the '190 patent through, among other things, causing infringement of the IpVenture patents through normal use of the ASUS brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing ASUS brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. ASUS had knowledge of one of more patents in the '190 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS in this action in which IpVenture alleged that ASUS was infringing the '190 patent.

98. On information and belief, ASUS also had knowledge of the '190 patent before November 28, 2011 as a result of ASUS's knowledge regarding IpVenture's patents. ASUS would have been made aware of its infringement of the '190 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '190 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '190 patent family. Additional facts regarding ASUS's knowledge of the '190 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '190 family, including the disclosure of the '190

patent. To the extent that Defendants contend they were unaware of the claims of the '190 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '190 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '190 patent.

99. On information and belief, ASUS intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '190 patent with knowledge that its products were especially adapted for use in an infringement of the '190 patent.

100. On information and belief, ASUS has infringed and continues to contributorily infringe the '190 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '190 patent. ASUS's offering to sell and selling within the United States and importing into the United States ASUS brand computers, contributed to the direct infringement of the '190 patent by at least end users and customers of the ASUS-branded computers. On information and belief, ASUS had knowledge that the ASUS-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '190 patent, are especially made or adapted for use in an infringement of the '190 patent and are not staple articles of commerce suitable for substantial non-infringing uses. ASUS had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging ASUS's infringement of the '190 patent. Additional facts regarding ASUS's knowledge of the '190 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, ASUS had knowledge of patents in the '190 family, including the disclosure of the '190 patent.

101. On information and belief, ASUS's infringement of the '190 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. ASUS has knowledge that it was infringing the '190 patent at least since November 28, 2011

when IpVenture filed the Amended Complaint against ASUS identifying ASUS directly, indirectly, contributorily and willfully infringing the '190 patent. Despite being provided with this information ASUS egregiously has continued to actively sell, offer for sale, and/or import into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '190 patent. This decision by ASUS is deliberate in light of it being provided notice of the '190 patents. ASUS continued to sell and/or import ASUS-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '190 patent. This objective risk of infringement of the '190 patent was either known or so obvious that it should have been known to ASUS.

102. Defendants' acts of infringement have caused damage to IpVenture, and IpVenture is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial. Unless enjoined, Defendants' infringement of IpVenture's rights under the '190 patent will to continue to damage IpVenture, causing IpVenture irreparable injury as a direct and proximate result of Defendants' conduct.

THIRD CLAIM FOR RELIEF FOR PATENT INFRINGEMENT

Infringement of U.S. Patent No. 6,487,668

103. IpVenture hereby incorporates the allegations of Paragraphs 1 through 24 as if fully set forth herein.

Lenovo's Infringement Of The '668 Patent

104. IpVenture is informed and believes, and thereon alleges, that Lenovo has infringed and is currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Lenovo brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

105. Lenovo has infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). Lenovo actively induces its customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Lenovo brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Lenovo brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Lenovo had knowledge of one of more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Lenovo in this action in which IpVenture alleged that Lenovo was infringing the '668 patent.

106. On information and belief, Lenovo also had knowledge of the '668 patent before November 28, 2011 as a result of Lenovo's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Samuel J. Palmisano, then president of Lenovo's predecessor-in-interest International Business Machines Corporation ("IBM"), a notice by certified mail that its ThinkPad series computers appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the same patent family as the '668 patent. Lenovo purchased IBM's personal computer division in May 2005. Lenovo would also have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony Corporation ("Sony") and Panasonic Corporation ("Panasonic") on patents in the '668 patent family and a February 2011 press release describing the settlement of litigation between IpVenture and Sony and the fact that Sony has taken a license to patents in the '668 patent family. Additional facts regarding Lenovo's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the disclosure in the

specification of the '668 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

107. On information and belief, Lenovo intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

108. On information and belief, Lenovo has infringed and continues to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent. Lenovo's offering to sell and selling within the United States and importing into the United States Lenovo brand computers, contributed to the direct infringement of the '668 patent by at least end users and customers of the Lenovo-branded computers. On information and belief, Lenovo had knowledge that the Lenovo-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Lenovo had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Lenovo's infringement of the '668 patent. Additional facts regarding Lenovo's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Lenovo had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

109. On information and belief, Lenovo's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Lenovo had knowledge that it was infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Lenovo identifying Lenovo directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being provided with

this information Lenovo egregiously has continued to actively sell, offer for sale, and/or import into the United States Lenovo-brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by Lenovo is deliberate in light of it being provided notice of the '668 patents. Lenovo continued to sell and/or import Lenovo-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to Lenovo.

Samsung's Infringement Of The '668 Patent

110. IpVenture is informed and believes, and thereon alleges, that Samsung has infringed and is currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Samsung brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

111. Samsung has infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). Samsung actively induces its customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Samsung brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Samsung brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Samsung had knowledge of one of more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung in this action in which IpVenture alleged that Samsung was infringing the '668 patent.

112. On information and belief, Samsung also had knowledge of the '668 patent before November 28, 2011 as a result of Samsung's knowledge regarding IpVenture's patents. Samsung cited in one or more patents assigned to Samsung, patents in the same family as the '668 patent as prior art to Samsung patents, including United States Patent No. 6,854,064, entitled "ACPI Compliant Computer System And Overtemperature Protection Method Therefor." Samsung would also have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic on patents in the '668 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and Sony and the fact that Sony took a license to patents in the '668 patent family. Additional facts regarding Samsung's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '668 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

113. On information and belief, Samsung intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

114. On information and belief, Samsung has infringed and continues to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent. Samsung's offering to sell and selling within the United States and importing into the United States Samsung brand computers, contributed to the direct infringement of the '668 patent by at

least end users and customers of the Samsung-branded computers. On information and belief, Samsung had knowledge that the Samsung-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Samsung had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Samsung's infringement of the '668 patent. Additional facts regarding Samsung's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Samsung had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

115. On information and belief, Samsung's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Samsung had knowledge that it was infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung identifying Samsung directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being provided with this information Samsung egregiously has continued to actively sell, offer for sale, and/or import into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by Samsung is deliberate in light of it being provided notice of the '668 patents. Samsung continued to sell and/or import Samsung-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to Samsung.

Toshiba's Infringement Of The '668 Patent

116. IpVenture is informed and believes, and thereon alleges, that Toshiba has infringed and is currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and

elsewhere in the United States, without authority or license from IpVenture, Toshiba brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

117. Toshiba has infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). Toshiba actively induces its customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Toshiba brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Toshiba brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Toshiba had knowledge of one or more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba in this action in which IpVenture alleged that Toshiba was infringing the '668 patent.

118. On information and belief, Toshiba also had knowledge of the '668 patent before November 28, 2011 as a result of Toshiba's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Mr. Shunichi Yamashita, Chairman and CEO of Toshiba America, Inc., and Hisatsugu Nonaka, President of Toshiba America Information Systems, Inc. a notice by certified mail that Toshiba products, including various notebook computers, appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '668 patent family. Toshiba also had knowledge of one or more patents in the '668 patent family given that Toshiba cited in one or more patents assigned to Toshiba, patents in the '668 patent family as prior art to Toshiba patents. These patents include at least:

- United States Patent No. 6,701,273, entitled "Method And Apparatus For Controlling Internal Heat Generating Circuitry," which issued March 2, 2004 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '668 patent family.

- United States Patent No. 7,148,589, entitled "Method and apparatus for controlling internal heat generating circuitry," which issued December 12, 2006 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '668 patent family.
- United States Patent No. 6,243,656, entitled "Cooling Mode Switching System For CPU," which issued June 1, 2001 and is assigned to Kabushiki Kaisha Toshiba, cites two patents in the '668 family.
- United States Patent No. 6,463,396, entitled "Apparatus For Controlling Internal Heat Generating Circuit," which issued October 8, 2002 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '668 family.
- United States Patent No. 6,014,611, entitled "Cooling Mode Switching System For CPU," which issued January 11, 2000 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '668 family.
- United States Patent No. 7,421,609, entitled "Method, System And Apparatus For Producing A Clock With Desired Frequency Characteristics," which issued September 2, 2008 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '668 family.

Toshiba would have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '668 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '668 patent family. Additional facts regarding Toshiba's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '668

patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

119. On information and belief, Toshiba intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

120. On information and belief, Toshiba has infringed and continues to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent. Toshiba's offering to sell and selling within the United States and importing into the United States Toshiba brand computers, contributed to the direct infringement of the '668 patent by at least end users and customers of the Toshiba-branded computers. On information and belief, Toshiba had knowledge that the Toshiba-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Toshiba had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Toshiba's infringement of the '668 patent. Additional facts regarding Toshiba's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Toshiba had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

121. On information and belief, Toshiba's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Toshiba had knowledge that it was infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba identifying Toshiba directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being

provided with this information Toshiba egregiously has continued to actively sell, offer for sale, and/or import into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by Toshiba is deliberate in light of it being provided notice of the '668 patents. Toshiba continued to sell and/or import Toshiba-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to Toshiba.

Acer And Gateway's Infringement Of The '668 Patent

122. IpVenture is informed and believes, and thereon alleges, that Acer and Gateway have infringed and are currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Acer and Gateway brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

123. Acer and Gateway have infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). Acer and Gateway actively induces their customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Acer and Gateway brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Acer and Gateway brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Acer and Gateway had knowledge of one of more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway in this action in which IpVenture alleged that Acer and Gateway were infringing the '668 patent.

124. On information and belief, Acer and Gateway also had knowledge of the '668 patent before November 28, 2011 as a result of Acer and Gateway's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Patrick S.N. Lin, then president and Chief Operating Officer of Acer America Corp., a notice by certified mail that various Acer products appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '668 patent family. IpVenture also provided notices in September 2003 by certified mail to entities that are now subsidiaries of Acer, including eMachines, Inc. and Gateway Inc. Acer and Gateway also had knowledge of one or more patents in the '668 patent family given that Acer, Gateway or their subsidiaries cited in patents assigned to Acer, Gateway or their subsidiaries one or more patents in the '668 patent family as prior art to the Acer or Gateway patents. These patents include at least:

- United States Patent No. 6,453,378, entitled "Portable Computer With Enhanced Performance Management," which issued September 17, 2002 and is assigned to Gateway, Inc., cites a patent in the '668 patent family.
- United States Patent No. 6,691,197, entitled "Portable Computer With Enhanced Performance Management," which issued February 10, 2004 and is assigned to Gateway, Inc., cites a patent in the '668 family.

Acer and Gateway would have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '668 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '668 patent family. Additional facts regarding Acer and Gateway's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the

disclosure in the specification of the '668 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

125. On information and belief, Acer and Gateway intend their computers be used in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

126. On information and belief, Acer and Gateway have infringed and continue to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent. Acer and Gateway's offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, contributed to the direct infringement of the '668 patent by at least end users and customers of the Acer- and Gateway-branded computers. On information and belief, Acer and Gateway had knowledge that the Acer and Gateway-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Acer and Gateway had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Acer and Gateway's infringement of the '668 patent. Additional facts regarding Acer and Gateway's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Acer and Gateway had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

127. On information and belief, Acer and Gateway's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35

U.S.C. § 284. Acer and Gateway had knowledge that they were infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway identifying Acer and Gateway directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being provided with this information Acer and Gateway egregiously have continued to actively sell, offer for sale, and/or import into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by Acer and Gateway is deliberate in light of their being provided notice of the '668 patents. Acer and Gateway continued to sell and/or import Acer- and Gateway-brand computers, including notebook computers despite an objectively high likelihood that their actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to Acer and Gateway.

Dell's Infringement Of The '668 Patent

128. IpVenture is informed and believes, and thereon alleges, that Dell has infringed and is currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Dell brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

129. Dell has infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). Dell actively induces its customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Dell brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Dell brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended.

Dell had knowledge of one of more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell in this action in which IpVenture alleged that Dell was infringing the '668 patent.

130. On information and belief, Dell also had knowledge of the '668 patent before November 28, 2011 as a result of Dell's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Kevin B. Rollins, then president and chief operating officer of Dell, a notice by certified mail that Dell products appear to utilize the technologies patented by IpVenture and may be infringing one or more patents in the '668 patent family. Dell also had knowledge of one or more patents in the '668 patent family given that Dell cited in patents assigned to Dell patents in the '668 patent family as prior art to the Dell patents. These patents include at least:

- United States Patent No. 6,928,565, entitled "Computer System Thermal Lap Management Method And Apparatus," which issued August 9, 2005 and is assigned to Dell Products L.P., cites a patent in the '668 patent family. On information and belief, "Dell Products L.P." is a subsidiary of Dell Corporation.
- United States Patent No. 7,401,243, entitled "Demand-Based Dynamic Clock Control For Transaction Processors," which issued July 15, 2008 and is assigned to Dell Products L.P., cites the '668 patent and another patent in the '668 patent family.
- United States Patent No. 7,464,277, entitled "Microprocessor Performance Mode Control Utilizing Sensed Temperature As An Indication Of Microprocessor Utilization," which issued December 9, 2008 and is assigned to Dell Products L.P., cites one patent in the '668 patent family.

Dell would have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '668 patent family and a February 2011 press release which described the settlement of

litigation between IpVenture and the fact that Sony has taken a license to patents in the '668 patent family. Additional facts regarding Dell's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '668 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

131. On information and belief, Dell intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

132. On information and belief, Dell has infringed and continues to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent. Dell's offering to sell and selling within the United States and importing into the United States Dell brand computers, contributed to the direct infringement of the '668 patent by at least end users and customers of the Dell-branded computers. On information and belief, Dell had knowledge that the Dell-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Dell had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Dell's infringement of the '668 patent. Additional facts regarding Dell's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in

these proceedings. Further, Dell had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

133. On information and belief, Dell's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Dell has knowledge that it was infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell identifying Dell directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being provided with this information Dell egregiously has continued to actively sell, offer for sale, and/or import into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by Dell is deliberate in light of it being provided notice of the '668 patents. Dell continued to sell and/or import Dell-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to Dell.

ASUS's Infringement Of The '668 Patent

134. IpVenture is informed and believes, and thereon alleges, that ASUS has infringed and is currently infringing the '668 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, ASUS brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent.

135. ASUS has infringed and continues to infringe the '668 patent by actively inducing others to infringe the '668 patent in violation of 35 U.S.C. 271(b). ASUS actively induces its customers and end users to infringe the '668 patent through, among other things, causing infringement of the IpVenture patents through normal use of the ASUS brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating

to the use of the infringing ASUS brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. ASUS had knowledge of one of more patents in the '668 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS in this action in which IpVenture alleged that ASUS was infringing the '668 patent.

136. On information and belief, ASUS also had knowledge of the '668 patent before November 28, 2011 as a result of ASUS's knowledge regarding IpVenture's patents. ASUS would have been made aware of its infringement of the '668 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '668 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '668 patent family. Additional facts regarding ASUS's knowledge of the '668 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '668 family, including the disclosure of the '668 patent. To the extent that Defendants contend they were unaware of the claims of the '668 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '668 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '668 patent.

137. On information and belief, ASUS intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '668 patent with knowledge that its products were especially adapted for use in an infringement of the '668 patent.

138. On information and belief, ASUS has infringed and continues to contributorily infringe the '668 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '668 patent.

ASUS's offering to sell and selling within the United States and importing into the United States ASUS brand computers, contributed to the direct infringement of the '668 patent by at least end users and customers of the ASUS-branded computers. On information and belief, ASUS had knowledge that the ASUS-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '668 patent, are especially made or adapted for use in an infringement of the '668 patent and are not staple articles of commerce suitable for substantial non-infringing uses. ASUS had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging ASUS's infringement of the '668 patent. Additional facts regarding ASUS's knowledge of the '668 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, ASUS had knowledge of patents in the '668 family, including the disclosure of the '668 patent.

139. On information and belief, ASUS's infringement of the '668 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. ASUS has knowledge that it was infringing the '668 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS identifying ASUS directly, indirectly, contributorily and willfully infringing the '668 patent. Despite being provided with this information ASUS egregiously has continued to actively sell, offer for sale, and/or import into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '668 patent. This decision by ASUS is deliberate in light of it being provided notice of the '668 patents. ASUS continued to sell and/or import ASUS-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '668 patent. This objective risk of infringement of the '668 patent was either known or so obvious that it should have been known to ASUS.

140. Defendants' acts of infringement have caused damage to IpVenture, and IpVenture is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful

acts in an amount yet to be determined and subject to proof at trial. Unless enjoined, Defendants' infringement of IpVenture's rights under the '668 patent will to continue to damage IpVenture, causing IpVenture irreparable injury as a direct and proximate result of Defendants' conduct.

FOURTH CLAIM FOR RELIEF FOR PATENT INFRINGEMENT

Infringement of U.S. Patent No. 7,167,993

141. IpVenture hereby incorporates the allegations of Paragraphs 1 through 24 as if fully set forth herein.

Lenovo's Infringement Of The '993 Patent

142. IpVenture is informed and believes, and thereon alleges, that Lenovo has infringed and is currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Lenovo brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

143. Lenovo has infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). Lenovo actively induces its customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Lenovo brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Lenovo brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Lenovo had knowledge of one of more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Lenovo in this action in which IpVenture alleged that Lenovo was infringing the '993 patent.

144. On information and belief, Lenovo also had knowledge of the '993 patent before November 28, 2011 as a result of Lenovo's knowledge regarding IpVenture's patents. On

September 15, 2003, IpVenture sent Mr. Samuel J. Palmisano, then president of Lenovo's predecessor-in-interest International Business Machines Corporation ("IBM"), a notice by certified mail that its ThinkPad series computers appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the same patent family as the '993 patent. Lenovo purchased IBM's personal computer division in May 2005. Lenovo would also have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony Corporation ("Sony") and Panasonic Corporation ("Panasonic") on patents in the '993 patent family and a February 2011 press release describing the settlement of litigation between IpVenture and Sony and the fact that Sony has taken a license to patents in the '993 patent family. Additional facts regarding Lenovo's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993 patent. To the extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

145. On information and belief, Lenovo intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

146. On information and belief, Lenovo has infringed and continues to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. Lenovo's offering to sell and selling within the United States and importing into the United States Lenovo brand computers, contributed to the direct infringement of the '993 patent

by at least end users and customers of the Lenovo-branded computers. On information and belief, Lenovo had knowledge that the Lenovo-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Lenovo had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Lenovo's infringement of the '993 patent. Additional facts regarding Lenovo's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Lenovo had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

147. On information and belief, Lenovo's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Lenovo had knowledge that it was infringing the '993 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Lenovo identifying Lenovo directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information Lenovo egregiously has continued to actively sell, offer for sale, and/or import into the United States Lenovo brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by Lenovo is deliberate in light of it being provided notice of the '993 patents. Lenovo continued to sell and/or import Lenovo-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to Lenovo.

Samsung's Infringement Of The '993 Patent

148. IpVenture is informed and believes, and thereon alleges, that Samsung has infringed and is currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district

and elsewhere in the United States, without authority or license from IpVenture, Samsung brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

149. Samsung has infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). Samsung actively induces its customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Samsung brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Samsung brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Samsung had knowledge of one of more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Samsung in this action in which IpVenture alleged that Samsung was infringing the '993 patent.

150. On information and belief, Samsung also had knowledge of the '993 patent before November 28, 2011 as a result of Samsung's knowledge regarding IpVenture's patents. Samsung cited in one or more patents assigned to Samsung, patents in the same family as the '993 patent as prior art to Samsung patents, including United States Patent No. 6,854,064, entitled "ACPI Compliant Computer System And Overtemperature Protection Method Therefor." Samsung would also have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic on patents in the '993 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and Sony and the fact that Sony took a license to patents in the '993 patent family. Additional facts regarding Samsung's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993 patent. To the

extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

151. On information and belief, Samsung intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

152. On information and belief, Samsung has infringed and continues to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. Samsung's offering to sell and selling within the United States and importing into the United States Samsung brand computers, contributed to the direct infringement of the '993 patent by at least end users and customers of the Samsung-branded computers. On information and belief, Samsung had knowledge that the Samsung-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Samsung had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Samsung's infringement of the '993 patent. Additional facts regarding Samsung's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Samsung had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

153. On information and belief, Samsung's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Samsung had knowledge that it was infringing the '993 patent at least since November

28, 2011 when IpVenture filed the Amended Complaint against Samsung identifying Samsung directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information Samsung egregiously has continued to actively sell, offer for sale, and/or import into the United States Samsung brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by Samsung is deliberate in light of it being provided notice of the '993 patents. Samsung continued to sell and/or import Samsung-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to Samsung.

Toshiba's Infringement Of The '993 Patent

154. IpVenture is informed and believes, and thereon alleges, that Toshiba has infringed and is currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Toshiba brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

155. Toshiba has infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). Toshiba actively induces its customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Toshiba brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Toshiba brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Toshiba had knowledge of one of more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba in this action in which IpVenture alleged that Toshiba was infringing the '993 patent.

156. On information and belief, Toshiba also had knowledge of the '993 patent before November 28, 2011 as a result of Toshiba's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Mr. Shunichi Yamashita, Chairman and CEO of Toshiba America, Inc., and Hisatsugu Nonaka, President of Toshiba America Information Systems, Inc. a notice by certified mail that Toshiba products, including various notebook computers, appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '993 patent family. Toshiba also had knowledge of one or more patents in the '993 patent family given that Toshiba cited in one or more patents assigned to Toshiba, patents in the '993 patent family as prior art to Toshiba patents. These patents include at least:

- United States Patent No. 6,701,273, entitled "Method And Apparatus For Controlling Internal Heat Generating Circuitry," which issued March 2, 2004 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '993 patent family.
- United States Patent No. 7,148,589, entitled "Method and apparatus for controlling internal heat generating circuitry," which issued December 12, 2006 and is assigned to Kabushiki Kaisha Toshiba, cites three patents in the '993 patent family.
- United States Patent No. 6,243,656, entitled "Cooling Mode Switching System For CPU," which issued June 1, 2001 and is assigned to Kabushiki Kaisha Toshiba, cites two patents in the '993 family.
- United States Patent No. 6,463,396, entitled "Apparatus For Controlling Internal Heat Generating Circuit," which issued October 8, 2002 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '993 family.
- United States Patent No. 6,014,611, entitled "Cooling Mode Switching System For CPU," which issued January 11, 2000 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '993 family.
- United States Patent No. 7,421,609, entitled "Method, System And Apparatus For Producing A Clock With Desired Frequency Characteristics," which issued

September 2, 2008 and is assigned to Kabushiki Kaisha Toshiba, cites a patent in the '993 family.

Toshiba would have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '993 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '993 patent family. Additional facts regarding Toshiba's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993 patent. To the extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

157. On information and belief, Toshiba intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

158. On information and belief, Toshiba has infringed and continues to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. Toshiba's offering to sell and selling within the United States and importing into the United States Toshiba brand computers, contributed to the direct infringement of the '993 patent by at least end users and customers of the Toshiba-branded computers. On information and belief, Toshiba had knowledge that the Toshiba-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of

the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Toshiba had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Toshiba's infringement of the '993 patent. Additional facts regarding Toshiba's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Toshiba had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

159. On information and belief, Toshiba's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Toshiba had knowledge that it was infringing the '993 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Toshiba identifying Toshiba directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information Toshiba egregiously has continued to actively sell, offer for sale, and/or import into the United States Toshiba brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by Toshiba is deliberate in light of it being provided notice of the '993 patents. Toshiba continued to sell and/or import Toshiba-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to Toshiba.

Acer And Gateway's Infringement Of The '993 Patent

160. IpVenture is informed and believes, and thereon alleges, that Acer and Gateway have infringed and are currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Acer and Gateway brand computers, including notebook computers, that contain and/or utilize thermal

management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

161. Acer and Gateway have infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). Acer and Gateway actively induces their customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Acer and Gateway brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Acer and Gateway brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Acer and Gateway had knowledge of one of more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway in this action in which IpVenture alleged that Acer and Gateway were infringing the '993 patent.

162. On information and belief, Acer and Gateway also had knowledge of the '993 patent before November 28, 2011 as a result of Acer and Gateway's knowledge regarding IpVenture's patents. On September 15, 2003, IpVenture sent Mr. Patrick S.N. Lin, then president and Chief Operating Officer of Acer America Corp., a notice by certified mail that various Acer products appear to utilize technologies patented by IpVenture and may be infringing one or more patents in the '993 patent family. IpVenture also provided notices in September 2003 by certified mail to entities that are now subsidiaries of Acer, including eMachines, Inc. and Gateway Inc. Acer and Gateway also had knowledge of one or more patents in the '993 patent family given that Acer, Gateway or their subsidiaries cited in patents assigned to Acer, Gateway or their subsidiaries one or more patents in the '993 patent family as prior art to the Acer or Gateway patents. These patents include at least:

- United States Patent No. 6,453,378, entitled "Portable Computer With Enhanced Performance Management," which issued September 17, 2002 and is assigned to Gateway, Inc., cites a patent in the '993 patent family.

- United States Patent No. 6,691,197, entitled "Portable Computer With Enhanced Performance Management," which issued February 10, 2004 and is assigned to Gateway, Inc., cites a patent in the '993 family.

Acer and Gateway would have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '993 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '993 patent family. Additional facts regarding Acer and Gateway's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993 patent. To the extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

163. On information and belief, Acer and Gateway intend their computers be used in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

164. On information and belief, Acer and Gateway have infringed and continue to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. Acer and Gateway's offering to sell and selling within the United States and importing into the United States Acer and Gateway brand computers, contributed to the direct infringement of the '993 patent by at least end users and customers of the Acer- and

Gateway-branded computers. On information and belief, Acer and Gateway had knowledge that the Acer and Gateway-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Acer and Gateway had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Acer and Gateway's infringement of the '993 patent. Additional facts regarding Acer and Gateway's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Acer and Gateway had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

165. On information and belief, Acer and Gateway's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Acer and Gateway had knowledge that they were infringing the '993 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Acer and Gateway identifying Acer and Gateway directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information Acer and Gateway egregiously have continued to actively sell, offer for sale, and/or import into the United States Acer and Gateway brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by Acer and Gateway is deliberate in light of their being provided notice of the '993 patents. Acer and Gateway continued to sell and/or import Acer- and Gateway-brand computers, including notebook computers despite an objectively high likelihood that their actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to Acer and Gateway.

Dell's Infringement Of The '993 Patent

166. IpVenture is informed and believes, and thereon alleges, that Dell has infringed and is currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, Dell brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

167. Dell has infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). Dell actively induces its customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the Dell brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing Dell brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. Dell had knowledge of one or more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell in this action in which IpVenture alleged that Dell was infringing the '993 patent.

168. On information and belief, Dell also had knowledge of the '993 patent before November 28, 2011 as a result of Dell's knowledge regarding IpVenture's patents. On September 9, 2003, IpVenture sent Kevin B. Rollins, then president and chief operating officer of Dell, a notice by certified mail that Dell products appear to utilize the technologies patented by IpVenture and may be infringing one or more patents in the '993 patent family. Dell also had knowledge of one or more patents in the '993 patent family given that Dell cited in patents assigned to Dell patents in the '993 patent family as prior art to the Dell patents. These patents include at least:

- United States Patent No. 6,928,565, entitled "Computer System Thermal Lap Management Method And Apparatus," which issued August 9, 2005 and is

assigned to Dell Products L.P., cites a patent in the '993 patent family. On information and belief, "Dell Products L.P." is a subsidiary of Dell Corporation.

- United States Patent No. 7,401,243, entitled "Demand-Based Dynamic Clock Control For Transaction Processors," which issued July 15, 2008 and is assigned to Dell Products L.P., cites two patents in the '993 patent family.
- United States Patent No. 7,464,277, entitled "Microprocessor Performance Mode Control Utilizing Sensed Temperature As An Indication Of Microprocessor Utilization," which issued December 9, 2008 and is assigned to Dell Products L.P., cites one patent in the '993 patent family.

Dell would have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '993 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '993 patent family. Additional facts regarding Dell's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993 patent. To the extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

169. On information and belief, Dell intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

170. On information and belief, Dell has infringed and continues to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States Dell brand computers, including notebook

computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. Dell's offering to sell and selling within the United States and importing into the United States Dell brand computers, contributed to the direct infringement of the '993 patent by at least end users and customers of the Dell-branded computers. On information and belief, Dell had knowledge that the Dell-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. Dell had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging Dell's infringement of the '993 patent. Additional facts regarding Dell's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Dell had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

171. On information and belief, Dell's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. Dell has knowledge that it was infringing the '993 patent at least since November 28, 2011 when IpVenture filed the Amended Complaint against Dell identifying Dell directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information Dell egregiously has continued to actively sell, offer for sale, and/or import into the United States Dell brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by Dell is deliberate in light of it being provided notice of the '993 patents. Dell continued to sell and/or import Dell-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to Dell.

ASUS's Infringement Of The '993 Patent

172. IpVenture is informed and believes, and thereon alleges, that ASUS has infringed and is currently infringing the '993 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering to sell, and/or importing within this judicial district and elsewhere in the United States, without authority or license from IpVenture, ASUS brand computers, including notebook computers, that contain and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent.

173. ASUS has infringed and continues to infringe the '993 patent by actively inducing others to infringe the '993 patent in violation of 35 U.S.C. 271(b). ASUS actively induces its customers and end users to infringe the '993 patent through, among other things, causing infringement of the IpVenture patents through normal use of the ASUS brand computers, as well as providing user manuals, online help files, and other instructions and encouragement relating to the use of the infringing ASUS brand computers, including notebook computers, and the infringing thermal management functionality that allows the devices to perform as intended. ASUS had knowledge of one of more patents in the '993 patent family at least since November 28, 2011 when IpVenture filed the Amended Complaint against ASUS in this action in which IpVenture alleged that ASUS was infringing the '993 patent.

174. On information and belief, ASUS also had knowledge of the '993 patent before November 28, 2011 as a result of ASUS's knowledge regarding IpVenture's patents. ASUS would have been made aware of its infringement of the '993 patent family through news articles and press releases including: a July 2009 news article from Bloomberg News describing IpVenture's initiation of litigation against Sony and Panasonic based on infringement of patents in the '993 patent family and a February 2011 press release which described the settlement of litigation between IpVenture and the fact that Sony has taken a license to patents in the '993 patent family. Additional facts regarding ASUS's knowledge of the '993 patent, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, Defendants were fully aware of patents in the '993 family, including the disclosure of the '993

patent. To the extent that Defendants contend they were unaware of the claims of the '993 patent notwithstanding knowledge of IpVenture and the disclosure in the specification of the '993 patent, knowledge can be established by Defendants' willful blindness to the fact that IpVenture held patents covering Defendants' products, including the '993 patent.

175. On information and belief, ASUS intends that its computers be used as intended in an infringing manner, and intended to actively induce infringement of the '993 patent with knowledge that its products were especially adapted for use in an infringement of the '993 patent.

176. On information and belief, ASUS has infringed and continues to contributorily infringe the '993 patent in violation of 35 U.S.C. § 271(c) by offering to sell and selling within the United States and importing into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management functionality and constitute and/or contain components constituting a material part of one or more claims of the '993 patent. ASUS's offering to sell and selling within the United States and importing into the United States ASUS brand computers, contributed to the direct infringement of the '993 patent by at least end users and customers of the ASUS-branded computers. On information and belief, ASUS had knowledge that the ASUS-branded computers, including notebook computers employing thermal management functionality meeting the limitations of one or more claims of the '993 patent, are especially made or adapted for use in an infringement of the '993 patent and are not staple articles of commerce suitable for substantial non-infringing uses. ASUS had such knowledge at least since November 28, 2011 when IpVenture filed the Amended Complaint in this action alleging ASUS's infringement of the '993 patent. Additional facts regarding ASUS's knowledge of the '993 patent before November 28, 2011, presently unknown to IpVenture, may be learned during discovery in these proceedings. Further, ASUS had knowledge of patents in the '993 family, including the disclosure of the '993 patent.

177. On information and belief, ASUS's infringement of the '993 patent is and continues to be willful and deliberate, entitling IpVenture to increased damages under 35 U.S.C. § 284. ASUS has knowledge that it was infringing the '993 patent at least since November 28, 2011

when IpVenture filed the Amended Complaint against ASUS identifying ASUS directly, indirectly, contributorily and willfully infringing the '993 patent. Despite being provided with this information ASUS egregiously has continued to actively sell, offer for sale, and/or import into the United States ASUS brand computers, including notebook computers, that practice and/or utilize thermal management apparatus and/or methods and meet the limitations of one or more claims of the '993 patent. This decision by ASUS is deliberate in light of it being provided notice of the '993 patents. ASUS continued to sell and/or import ASUS-brand computers, including notebook computers despite an objectively high likelihood that its actions constituted infringement of the '993 patent. This objective risk of infringement of the '993 patent was either known or so obvious that it should have been known to ASUS.

178. Defendants' acts of infringement have caused damage to IpVenture, and IpVenture is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount yet to be determined and subject to proof at trial. Unless enjoined, Defendants' infringement of IpVenture's rights under the '993 patent will to continue to damage IpVenture, causing IpVenture irreparable injury as a direct and proximate result of Defendants' conduct.

PRAYER FOR RELIEF

WHEREFORE, IpVenture prays for relief against Defendants and that the Court enter a judgment in favor of IpVenture providing as follows:

- A. That Defendants have infringed, induced others to infringe, and/or committed acts of contributory infringement with respect to one or more claims of the '599, '190 '668 and '993 patents under 35 U.S.C. § 271;
- B. That Defendants and their affiliates, subsidiaries, directors, officers, employees, attorneys, agents and all persons in active concert or participation with any of the foregoing be preliminarily and permanently enjoined from further acts of

infringement, inducing infringement, or contributory infringement of the '599, '190 '668 and '993 patents;

- C. That Defendants be required to pay IpVenture damages adequate to compensate IpVenture for Defendants' infringement of the '599, '190 '668 and '993 patents, but in no event less than a reasonable royalty for the use made of the invention, together with interest and costs under 35 U.S.C. § 284;
- D. That Defendants be ordered to provide an accounting;
- E. That Defendants be ordered to pay supplemental damages to IpVenture, including without limitation interest;
- F. That Defendants infringement be adjudged willful and that the damages be increased under 35 U.S.C. § 284 to three times the amount found or measured;
- G. That this be adjudged an exceptional case and that IpVenture be awarded its attorneys' fees pursuant to 35 U.S.C. § 285;
- H. That Defendants be required to pay pre- and post-judgment interest on the damages assessed; and
- I. That IpVenture be awarded such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

IpVenture hereby demands a trial by jury on all issues so triable.

Dated: July 13, 2012

By: /s/ Steven L. Caponi
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