

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CPUMATE, INC.

Plaintiff,

vs.

DELL, INC.

Defendant.

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Case No. 1:11-cv-00554

Jury Demanded

**PLAINTIFF'S ORIGINAL COMPLAINT
AND DEMAND FOR JURY TRIAL**

COMES NOW, CPUMATE, INC. (hereinafter "Plaintiff" or "Cpumate"), complaining of DELL, INC. (hereinafter "Dell"), and for cause of action would respectfully show the following:

THE PARTIES

1. Plaintiff is a Taiwan company with its principal place of business in Taiwan, R.O.C.
2. Upon information and belief, Defendant Dell is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1 Dell Way, Round Rock, TX 78682. Dell is registered to do business as a foreign corporation in Texas and is doing business in this judicial district, and elsewhere throughout the United States. Dell's foreign corporation registration lists Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218, as its registered agent for service of process.

THE PATENT

3. On July 17, 2007, United States Patent No. U.S. Patent No. 7,245,494, entitled “THERMAL STRUCTURE FOR ELECTRIC DEVICES” (“the ‘494 patent”) was duly and legally issued. A true and correct copy of the ‘494 patent is attached as Exhibit A. On August 22, 2006, U.S. Patent No. 7,093,648, entitled “HEAT PIPE COOLING DEVICE AND METHOD FOR MANUFACTURING THE SAME” (“the ‘648 patent”) was duly and legally issued. A true and correct copy of the ‘648 patent is attached as Exhibit B. On August 3, 2010, U.S. Patent No. 7,766,074, entitled “HEAT-DISSIPATING DEVICE HAVING AIR-GUIDING STRUCTURE” (“the ‘074 patent”) was duly and legally issued. A true and correct copy of the ‘074 patent is attached as Exhibit C.

4. Pursuant to 35 U.S.C. § 282, the ‘494, ‘648 and ‘074 patents are presumed valid.

5. Cpumate is the owner by assignment of the ‘494, ‘648 and ‘074 patents with full and exclusive right to bring suit to enforce this patent.

6. The ‘494, ‘648 and ‘074 patents relate generally to heat dissipation devices for use in electronic devices.

7. The patent infringement allegations in this case relate to at least claim 1 of the ‘494 patent, claim 1 of the ‘648 patent and claim 1 of the ‘074 patent.

JURISDICTION & VENUE

8. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. § 1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

9. Dell, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '494, '648 and '074 patents and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

PATENT INFRINGEMENT COUNTS

10. Plaintiff realleges and incorporates by reference paragraphs 1 through 9.

11. Dell, on information and belief, makes, uses, sells, or offers to sell products and services that infringe claims of the '494 patent, including at least claim 1 and/or other claims, including for example and without limitation the Dell T7400 Desktop Workstation and the SC430 Desktop Workstation, as well as any other electronic devices that utilize heat dissipation devices as claimed in the '494 patent.

12. Dell, on information and belief, makes, uses, sells, or offers to sell products and services that infringe claims of the '648 patent, including at least claim 1 and/or other claims, including for example and without limitation the Dell T7400 Desktop Workstation, as well as any other electronic devices that utilize heat dissipation devices as claimed in the '648 patent.

13. Dell, on information and belief, makes, uses, sells, or offers to sell products and services that infringe claims of the '074 patent, including at least claim 1 and/or other claims, including for example and without limitation the Dell Studio XPS Desktop, as well as any other electronic devices that utilize heat dissipation devices as claimed in the '074 patent.

14. The infringement of the '494, '648 and '074 patents alleged above has injured Plaintiff and thus, it is entitled to recover damages adequate to compensate for Defendants' infringement, which in no event can be less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

- A. That Defendant Dell has infringed one or more claims of the ‘494, ‘648 and ‘074 patents;
- B. That Defendant Dell account for and pay to Plaintiff all damages caused by the infringement of the ‘494, ‘648 and ‘074 patents, which by statute can be no less than a reasonable royalty;
- C. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant Dell’s infringement of the ‘494, ‘648 and ‘074 patents;
- D. That Plaintiff be granted its attorneys’ fees in this action;
- E. That costs be awarded to Plaintiff; and
- F. That Plaintiff be granted such other and further relief that is just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all claims and issues so triable.

Dated: July 1, 2011

Respectfully Submitted,

/s/ Matthew J.M. Prebeg
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