

1 TREVOR Q. CODDINGTON, PH.D. (CSB NO. 243,042)

2 trevorcoddington@sandiegoiplaw.com

3 CODY R. LEJEUNE (CSB NO. 249,042)

4 codylejeune@sandiegoiplaw.com

5 CHARLES A. BLAZER, II (CSB NO. 282,495)

6 charlesblazer@sandiegoiplaw.com

7 SAN DIEGO IP LAW GROUP

8 703 Palomar Airport Rd., Suite 210

9 Carlsbad, CA 92011

10 Telephone: (442) 325-1024

11 Facsimile: (858) 408-4422

12 *Attorneys for Plaintiff,*

13 POWER DENSITY SOLUTIONS LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 POWER DENSITY SOLUTIONS LLC, a
17 Delaware limited liability company,

18 *Plaintiff,*

19 v.

20 IBM CORPORATION, a New York
21 corporation, and DOES 1-10, inclusive,

22 *Defendants.*

23 CASE NO.:

24 **COMPLAINT FOR PATENT
25 INFRINGEMENT**

26 **DEMAND FOR JURY TRIAL**

27
28

1 Plaintiff Power Density Solutions LLC (“PDS” or “Plaintiff”) hereby complains of
2 Defendant IBM Corporation (“IBM” or “Defendant”) and alleges as follows:

3 **NATURE OF ACTION**

4 1. This is an action for patent infringement under the patent laws of the United
5 States, 35 U.S.C. § 271, *et seq.*

6 **THE PARTIES**

7 2. PDS is a Delaware limited liability company with its principal place of
8 business located at 10 Lilac Drive, Hatfield, Pennsylvania 19440.

9 3. IBM is a New York corporation with its global headquarters located at 1
10 New Orchard Rd, Armonk, New York 10504.

11 4. IBM has numerous regular and established places of business in this district.
12 IBM has a location at 425 Market Street, San Francisco, California 94105. In addition,
13 IBM Research – Almaden, located at 650 Harry Road, San Jose, California 95120, is a
14 research lab branch of IBM’s research and development division, known as IBM
15 Research. IBM resides in this District.

16 5. PDS is ignorant of the true names and capacities of the parties sued herein as
17 DOES 1 through 10, inclusive, whether individual, corporate or otherwise, and therefore
18 sues these defendants by such fictitious names. PDS will seek leave to amend the
19 complaint to assert their true names and capacities when they have been ascertained.
20 PDS is informed and believes and based thereon alleges that all defendants sued herein
21 as DOES 1 through 10 are in some manner responsible for the acts and omissions
22 alleged herein.

23 **JURISDICTION AND VENUE**

24 6. This Court has original and exclusive subject matter jurisdiction over this
25 action under 28 U.S.C. §§ 1331 and 1338(a) because PDS’s claims for patent
26 infringement arise under the laws of the United States, 35 U.S.C. § 271, *et seq.*

27 7. This Court has personal jurisdiction over IBM because it resides in this
28 District and has a continuous, systematic, and substantial presence in this District,

SAN DIEGO IP LAW GROUP
SAN DIEGO – CARLSBAD
(442) 325-1024 | SANDIEGOPLAW.COM

1 because it regularly conducts business and/or solicits business within this District,
2 because it has committed and continues to commit patent infringement in this District,
3 including without limitation by making, using, selling, and offering for sale infringing
4 products and inducing consumers in this District to purchase and use infringing products,
5 by purposefully directing infringing activities at residents of this District, and by placing
6 infringing products into the stream of commerce with the knowledge that such infringing
7 products would be sold in California and this District, which acts form a substantial part
8 of the events giving rise to PDS’s claims.

9 8. Venue is proper in this District under 28 U.S.C. § 1400(b) because IBM has
10 a regular and established place of business in this District and has committed and
11 continues to commit acts of patent infringement in this District.

12 **GENERAL ALLEGATIONS**

13 9. PDS has been working in the field of evaporative cooling for nearly two
14 decades and has developed novel cooling solutions for electronic systems and
15 components. On November 6, 2001, the United States Patent and Trademark Office
16 (“PTO”) duly and lawfully issued United States Patent No. 6,313,992, entitled “Method
17 and Apparatus for Increasing the Power Density of Integrated Circuit Boards and Their
18 Components” (“the ‘992 patent”). PDS is the owner of the ‘992 patent, a copy of which is
19 attached hereto as **Exhibit 1** and is fully incorporated herein.

20 10. IBM is and has been making, using, selling, offering for sale, importing,
21 and/or exporting products that infringe the ‘992 patent including without limitation
22 computer chips and other computer components utilizing IBM’s so-called intra-chip
23 enhanced cooling (“ICECool”) technology (the “Accused Products”). IBM represents on
24 its website that the Accused Products “could reduce the cooling energy for a traditional
25
26
27
28

SAN DIEGO IP LAW GROUP
SAN DIEGO – CARLSBAD
(442) 325-1024 | SANDIEGOIPLAW.COM

1 air-cooled data center by more than 90 percent.”¹ IBM also represents that the Accused
2 Products “could reduce the computational energy up to 14% compared to the traditional
3 refrigerated air-cooled data centers.”²

4 11. IBM also actively induces infringement of the ‘992 patent by its customers,
5 when it sells the Accused Products to customers who then use the Accused Products
6 without permission from PDS.

7 12. On information and belief, IBM has been aware of the ‘992 patent for over
8 six years.

9 **FIRST CLAIM FOR RELIEF**
10 **(Patent Infringement of the ‘992 Patent)**
11 **(35 U.S.C. § 271)**

12 13. PDS repeats, realleges, and incorporates by reference the preceding
13 allegations above as though set forth fully herein.

14 14. IBM has been and is currently infringing the ‘992 patent by making, using,
15 selling, offering for sale, importing, and/or exporting into the United States, the Accused
16 Products that embody one or more claims set forth in the ‘992 patent.

17 15. For example, the Accused Products meet all the limitations set forth in claim
18 21 of the ‘992 patent. A chart identifying specifically where each limitation of claim 21 is
19 found in the Accused Products is attached hereto as **Exhibit 2**. This infringement chart is
20 based on PDS’s current understanding of the Accused Products, which only considers
21 public literature available at the time of this filing. The chart does not set forth all of
22 PDS’s infringement theories – the Accused Products embody other claims set forth in the
23 ‘992 patent. Pursuant to Patent L.R. 3-1 and/or this Court’s case management schedule,
24 _____

25 ¹ Timothy Chainer *et al.*, IBM Research Blog, *Beat the Heat in 3D Chip Stacks with ICECool* (2017),
26 <https://www.ibm.com/blogs/research/2017/08/beat-heat-3d-chip-stacks-icecool> (last visited Jun. 12,
2019).

27 ² Timothy J. Chainer, *et al.*, IEEE Transactions on Components, Packaging and Manufacturing
28 Technology, *Improving Data Center Energy Efficiency With Advanced Thermal Management* (2017),
<https://ieeexplore.ieee.org/document/7876756> (last visited Jun. 12, 2019).

SAN DIEGO IP LAW GROUP
SAN DIEGO - CARLSBAD
(442) 325-1024 | SANDIEGOLAW.COM

1 PDS will serve a Disclosure of Asserted Claims and Infringement Contentions that may
2 alter and/or supplement the infringement charts submitted herewith. PDS reserves the
3 right to amend or supplement its infringement theories upon more information becoming
4 available through formal discovery and/or this Court completing its claim construction
5 proceedings.

6 16. IBM actively induces its customers to directly infringe the ‘992 patent. IBM
7 sells the Accused Products to its customers, who then use the Accused Products without
8 authorization from PDS. IBM knew or should have known that these actions would result
9 in its customer’s infringement.

10 17. IBM’s acts of infringement were undertaken without permission or license
11 from PDS.

12 18. PDS is informed and believes and based thereon alleges that IBM’s
13 infringement of the ‘992 patent will continue unless enjoined by this Court.

14 19. By reason of the foregoing infringing acts, PDS has been damaged,
15 continues to be damaged, and is entitled to no less than a reasonable royalty in
16 accordance with 35 U.S.C. § 284 in an amount to be determined at trial. In addition,
17 pursuant to 35 U.S.C. § 284, PDS is entitled to enhanced and treble damages against IBM
18 together with interest at the maximum legal rate and costs as fixed by the Court.

19 20. In addition, PDS is entitled to reasonable attorneys’ fees incurred in this
20 action under 35 U.S.C. § 285.

21 21. Because of the aforesaid infringing acts, PDS has suffered and continues to
22 suffer great and irreparable injury for which there is no adequate remedy at law.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, PDS prays for judgment against IBM as follows:

25 (a) an Order adjudging IBM to have infringed the ‘992 patent under 35 U.S.C.
26 § 271;

27 (b) an Order adjudging IBM to have willfully infringed the ‘992 patent under 35
28 U.S.C. § 271;

1 (c) a preliminary and permanent injunction under 35 U.S.C. § 283 enjoining
2 IBM, its officers, directors, agents, servants, resellers, retailers, employees and attorneys,
3 and those persons acting in concert or participation with them, from infringing the ‘992
4 patent in violation of 35 U.S.C. § 271;

5 (d) an accounting of all gains, profits, and advantages IBM derived by their
6 infringement of the ‘992 patent, and for damages adequate to compensate PDS for such
7 infringement of the ‘992 patent;

8 (e) an award to PDS no less than a reasonable royalty for IBM’s manufacture,
9 sale, use, importation, and/or exportation of the Accused Products, subject to proof at
10 trial;

11 (f) an Order for a trebling of damages and/or enhanced damages due to IBM’s
12 willful infringement under 35 U.S.C. § 284;

13 (g) an award to PDS of all attorneys’ fees and costs incurred by PDS in
14 connection with this action under 35 U.S.C. § 285;

15 (h) an award of pre-judgment and post-judgment interest and costs of this action
16 against IBM; and

17 (i) for such other and further relief as the Court deems just and proper.
18
19
20
21
22
23
24
25
26
27
28

SAN DIEGO IP LAW GROUP
SAN DIEGO – CARLSBAD
(442) 325-1024 | SANDIEGOIPLAW.COM

1 Dated: June 26, 2019

SAN DIEGO IP LAW GROUP

2
3 By: /s/Cody R. LeJeune

Trevor Q. Coddington, Ph.D.

Cody R. LeJeune

4 Charles R. Blazer, II

5 703 Palomar Airport Rd., Suite 210

6 Carlsbad, CA 92011

7 Phone: (442) 325-1024

8 Fax: (858) 405-4422

9 *Attorneys for Plaintiff,*

10 POWER DENSITY SOLUTIONS LLC

11
12 **DEMAND FOR JURY TRIAL**

13 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Power Density
14 Solutions hereby demands a trial by jury of all issues so triable.

15 Dated: June 26, 2019

SAN DIEGO IP LAW GROUP

16 By: /s/Cody R. LeJeune

Trevor Q. Coddington, Ph.D.

Cody R. LeJeune

18 Charles R. Blazer, II

19 703 Palomar Airport Rd., Suite 210

20 Carlsbad, CA 92011

21 Phone: (442) 325-1024

22 Fax: (858) 405-4422

23 *Attorneys for Plaintiff,*

24 POWER DENSITY SOLUTIONS LLC

SAN DIEGO IP LAW GROUP
SAN DIEGO - CARLSBAD
(442) 325-1024 | SANDIEGOPLAW.COM

SAN DIEGO IP LAW GROUP
SAN DIEGO - CARLSBAD
(442) 325-1024 | SANDIEGOIPLAW.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2019, I caused a copy of the foregoing

COMPLAINT FOR PATENT INFRINGEMENT

and attachments thereto to be served *via* electronic mail to counsel for all parties and their counsel of record, who are deemed to have consented to electronic service using the Court’s CM/ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

1 Dated: June 26, 2019

SAN DIEGO IP LAW GROUP

2
3 By: /s/Cody R. LeJeune

Trevor Q. Coddington, Ph.D.

Cody R. LeJeune

4 Charles R. Blazer, II

5 703 Palomar Airport Rd., Suite 210

6 Carlsbad, CA 92011

7 Phone: (442) 325-1024

8 Fax: (858) 405-4422

9 *Attorneys for Plaintiff,*

10 POWER DENSITY SOLUTIONS LLC

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SAN DIEGO IP LAW GROUP
SAN DIEGO - CARLSBAD
(442) 325-1024 | SANDIEGOIPLAW.COM