

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MIDAS GREEN TECHNOLOGIES, LLC,
PLAINTIFF,

V.

IMMERSION SYSTEMS LLC,
DEFENDANT.

§
§
§
§
§
§
§
§
§

CASE NO. 4:20-cv-00555-O

JURY TRIAL DEMANDED

PATENT CASE

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AGAINST IMMERSION SYSTEMS LLC**

Artie Pennington
State Bar No. 24090324
aapennington@hpkdlaw.com
Hunt Pennington Kumar & Dula, PLLC
609 Castle Ridge Rd., Ste. 315
Austin, TX 78746
Phone: (512) 766-6082
Fax: (512) 233-2699

James Crewse
State Bar No. 24045722
jcrewse@crewselawfirm.com
Crewse Law Firm, PLLC
5546 Goodwin Ave.
Dallas, TX 75206
Phone: (214) 394-2856
Fax: (253) 252-8776

ATTORNEY FOR PLAINTIFF

Plaintiff Midas Green Technologies, LLC ("MGT" or "Plaintiff"), by and through its counsel, hereby brings this action for patent infringement against Immersion Systems, LLC ("Immersion" or "Defendant") alleging infringement of the following validly issued patents: U.S. Patent No. 10,405,457, entitled "Appliance Immersion Cooling System" (" '457 Patent"), a true and correct copy of which is attached hereto as **Exhibit A**, and U.S. Patent No. 10,820,446, entitled "Appliance Immersion Cooling System" (" '446 Patent"), a true and correct copy of which is attached hereto as **Exhibit B** (collectively, "Patents-in-Suit").

I. PARTIES

1. MGT is a Texas limited liability company with its principal place of business at 8107 Springdale Road, Austin, Texas 78724.

2. On information and belief, Immersion is a Texas limited liability company with its principal place of business at 4412 Summercrest Ct., Fort Worth, Texas 76109, and may be served by and through its registered agent BMS CAT Inc. at 5718 Airport Freeway, Haltom City, Texas 78117.

II. JURISDICTION AND VENUE

3. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 et seq.

4. The Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Immersion is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Texas Long-Arm Statute, due at least to its

business in this forum, including at least a portion of the infringement alleged herein.

Furthermore, Immersion is subject to this Court's specific and general personal jurisdiction because it has a place of business within this District, including at 7546 Pebble Dr., Fort Worth, Texas 76118.

6. Without limitation, on information and belief, within this District and state, Immersion has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Immersion has derived revenues from its infringing acts occurring within the Northern District of Texas and Texas.

7. Further, on information and belief, Immersion is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in the Northern District of Texas and Texas. Further, on information and belief, Immersion is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within the Northern District of Texas. Immersion has committed such purposeful acts and/or transactions in the Northern District of Texas and Texas such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

III. VENUE

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). On information and belief, Defendant has a place of business at 7546 Pebble Dr., Fort Worth, Texas 76118. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

IV. FACTUAL BACKGROUND

A. THE ASSERTED PATENTS

1. The '457 Patent

9. The '457 Patent, entitled "Appliance Immersion Cooling System", was duly and legally issued on September 3, 2019 by the U.S. Patent and Trademark Office, and names Christopher L. Boyd of Austin, TX (US), James P. Koen of Round Rock, TX (US), David Christopher Laguna, of Austin, TX (US), Thomas R. Turner of Georgetown, TX (US), Kenneth D. Swinden of Hutto, TX (US), Mario Conti Garcia of Austin, TX (US), and John Charles Tribou of Austin, TX (US) as the inventors. The application leading to the '457 Patent is U.S. Patent Application Number 14/355,533 and was filed on April 30, 2014. A true and correct copy of the '457 Patent is attached hereto as **Exhibit A** and incorporated herein by reference.

10. The '457 Patent claims, according to at least one embodiment, among other things, an appliance immersion cooling system that includes a tank adapted to immerse in a dielectric fluid a plurality of electrical appliances, each in a respective appliance slot distributed vertically along, and extending transverse to, a long wall of the tank. The tank includes a weir, integrated horizontally into the long wall of the tank adjacent all appliance slots, having an overflow lip adapted to facilitate substantially uniform recovery of the dielectric fluid flowing through each appliance slot, and a dielectric fluid recovery reservoir positioned vertically beneath the overflow lip of the weir and adapted to receive the dielectric fluid as it flows over the weir. The appliance immersion cooling system also includes a primary circulation facility adapted to circulate the dielectric fluid through the tank. The primary circulation facility includes a plenum, positioned adjacent the bottom of the tank, adapted to dispense the dielectric fluid substantially uniformly upwardly through each appliance slot. The appliance cooling system also includes a secondary

fluid circulation facility adapted to extract heat from the dielectric fluid circulating in the primary circulation facility, and to dissipate to the environment the heat so extracted, and a control facility adapted to coordinate the operation of the primary and secondary fluid circulation facilities as a function of the temperature of the dielectric fluid in the tank.

11. The '457 Patent also claims, according to at least one embodiment, among other things, a tank module adapted for use in an appliance immersion cooling system. The tank module includes a tank adapted to immerse in a dielectric fluid a plurality of electrical appliances, each in a respective appliance slot distributed vertically along, and extending transverse to, a long wall of the tank. The tank includes a weir, integrated horizontally into the long wall of the tank adjacent all appliance slots, having an overflow lip adapted to facilitate substantially uniform recovery of the dielectric fluid flowing through each appliance slot, and a dielectric fluid recovery reservoir positioned vertically beneath the overflow lip of the weir and adapted to receive the dielectric fluid as it flows over the weir. The tank module also includes a primary circulation facility adapted to circulate the dielectric fluid through the tank, including a plenum, positioned adjacent the bottom of the tank, adapted to dispense the dielectric fluid substantially uniformly upwardly through each appliance slot, and a control facility adapted to control the operation of the primary fluid circulation facility as a function of the temperature of the dielectric fluid in the tank.

12. The '457 Patent also claims, according to at least one embodiment, among other things, a tank module adapted for use in an appliance immersion cooling system. The tank module includes a tank adapted to immerse in a dielectric fluid a plurality of electrical appliances, each in a respective appliance slot distributed vertically along, and extending transverse to, a long wall of the tank. The tank includes a weir, integrated horizontally into the long wall of the tank

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.