

TABLE OF CONTENTS

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

	Page
NATURE OF THE ACTION	1
JURISDICTION AND VENUE	2
THE PARTIES.....	3
FACTUAL ALLEGATIONS	4
CLASS ACTION ALLEGATIONS	16
COUNT I (By Plaintiffs, Individually and on Behalf of All Class Members for Violations of California Bus. & Prof. Code §§ 17200 <i>et seq.</i>).....	18
COUNT II (By Plaintiff Robinson, Individually and on Behalf of All Class Members Who Purchased a Class Computer for Breach Of Implied Warranty Under the Song-Beverly Consumer Warranty Act, Cal. Civ. Code §§ 1792 <i>et seq.</i>).....	20
COUNT III (By Plaintiffs Feinstein, Inicom, and Nakash, Individually and on Behalf of All Class Members, In the Following States: Alaska, Arkansas, Colorado, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia or Wyoming, for Breach of Implied Warranty of Merchantability).....	21
COUNT IV (By Plaintiffs, Individually and on Behalf of All Class Members for Breach Of Warranty Under Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301 <i>et seq.</i>).....	22
COUNT V (By Plaintiffs, Individually and on Behalf Of All Class Members, for Unjust Enrichment and Money Had and Received)	24
COUNT VI (By Plaintiff Nakash, Individually and on Behalf of All Class Members Who Purchased a Class Computer in the State Of New Jersey for Violations of the New Jersey Consumer Fraud Act, N.J. Stat. Ann. §§ 56:8-1 <i>et seq.</i>)	25
COUNT VII (By Plaintiffs, Individually and on Behalf of All Class Members, for Strict Liability and Negligence)	26
COUNT VIII (By Plaintiffs, Individually and on Behalf of All Class Members, for Violation of California’s Consumers Legal Remedies Act).....	27
PRAYER FOR RELIEF	28
DEMAND FOR JURY TRIAL	29

1 Plaintiffs Todd Feinstein, Brian Robinson, Inicom Networks, Inc., Steven Nakash, and
2 Lance Waidzunas, individually and on behalf of all others similarly situated, by their
3 undersigned counsel, allege the following upon personal knowledge as to their own acts and
4 upon information and belief as to all other matters, which is likely to have evidentiary support
5 after the opportunity for further investigation and discovery.

6 **NATURE OF THE ACTION**

7 1. Plaintiffs bring this action against defendant NVIDIA Corporation (“NVIDIA” or
8 the “Company”) on behalf of those who purchased at retail a computer equipped with a defective
9 NVIDIA graphics processing unit (“GPU”) and/or media communications chip (“MCP”)
10 (collectively the “NVIDIA GPUs” and “Class Computers”).

11 2. Defendant has admitted its NVIDIA GPUs are defective. Defendant knew or
12 should have known of the defect prior to selling or placing the NVIDIA GPUs into the stream of
13 commerce.

14 3. NVIDIA’s defective GPUs cause consumers’ computers to underperform, to
15 display corrupted images (including distorted images, lines, garbled characters, and artifacts), to
16 overheat, and even to suffer complete monitor/display and system failure.

17 4. NVIDIA is aware of hundreds (if not thousands) of consumer reports and
18 complaints about the graphics, video, heat and performance problems plaguing the Class
19 Computers.

20 5. The NVIDIA GPU defect manifests itself in all Class Computers to varying
21 degrees. For example, under normal use the defect causes the Class Computers to generate
22 excessive heat, which forces the system fan to run more often, increasing ambient noise and
23 reducing battery life. Excessive heat also affects other internal components like the CPU, which
24 will “throttle down,” decreasing overall system performance. The defect results in the inability
25 of Plaintiffs and Class members to use their Class Computers for their intended purposes.

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THE PARTIES

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2 12. Plaintiff Todd Feinstein (“Feinstein”) is a citizen of Louisiana. In April of 2008,
3 Plaintiff Feinstein purchased a MacBook Pro computer containing an NVIDIA GPU. Plaintiff
4 Feinstein’s notebook has and continues to show signs of the NVIDIA GPU defect, including that
5 the notebook operates at excessively hot temperatures, has a screen which is fuzzy and displays
6 only grey or black at certain times, and periodically shuts down entirely without warning. At the
7 time of purchase, Plaintiff Feinstein was not aware of the defect complained of herein, and as a
8 result, Plaintiff Feinstein has suffered injuries and damages in a manner similar to other Class
9 members.

10 13. On September 26, 2008, Plaintiff Feinstein’s counsel sent a letter to NVIDIA on
11 behalf of Plaintiff Feinstein and all those similarly situated by certified mail, return receipt
12 requested, demanding that NVIDIA immediately correct, repair, replace, or otherwise rectify the
13 problems alleged herein, or that it remunerate consumers for these problems. NVIDIA has failed
14 to respond.

15 14. Plaintiff Brian Robinson (“Robinson”) is a citizen of California. During the Class
16 Period, Plaintiff Robinson purchased a Hewlett-Packard (“HP”) notebook computer containing
17 an NVIDIA GPU. Plaintiff Robinson’s notebook has and continues to show signs of the
18 NVIDIA GPU defect, including abnormal heat and display and system failure. At the time of
19 purchase, Plaintiff Robinson was not aware of the defect complained of herein, and as a result,
20 Plaintiff Robinson has suffered injuries and damages in a manner similar to other Class
21 members.

22 15. Plaintiff Inicom Networks, Inc. (“Inicom”) is a citizen of New Mexico. During
23 the Class Period, Plaintiff Inicom purchased a Dell Latitude D630 notebook computer containing
24 an NVIDIA GPU. Plaintiff Inicom’s notebook has and continues to show signs of the NVIDIA
25 GPU defect, including abnormal heat and temperatures, a loud high speed fan noise after
26 installing the BIOS upgrade and a complete failure of the video display. At the time of purchase,
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1 Plaintiff Inicom was not aware of the defect complained of herein, and as a result, Plaintiff
2 Inicom has suffered injuries and damages in a manner similar to other Class members.

3 16. Plaintiff Steven Nakash is a citizen of New Jersey. During the Class Period,
4 Plaintiff Nakash purchased a Dell-manufactured Vostro 1700 Notebook Computer equipped with
5 an NVIDIA GPU. Plaintiff Nakash's notebook has and continues to show signs of the NVIDIA
6 GPU defect, including intermittently shutting down and a screen that displays only pink or grey
7 at certain times. At the time of purchase, Plaintiff Nakash was not aware of the defect
8 complained of herein, and as a result, Plaintiff Nakash has suffered injuries and damages in a
9 manner similar to other Class members.

10 17. Plaintiff Lance Waidzunas is a resident of Illinois. During the Class Period,
11 Plaintiff Waidzunas purchased a HP Pavilion Notebook Computer equipped with an NVIDIA
12 GPU. Plaintiff Waidzunas' notebook has and continues to show signs of the NVIDIA GPU
13 defect, including abnormal heat and temperatures and video display problems. At the time of
14 purchase, Plaintiff Waidzunas was not aware of the defect complained of herein, and as a result,
15 Plaintiff Waidzunas has suffered injuries and damages in a manner similar to other Class
16 members.

17 18. Defendant NVIDIA is a Delaware corporation with its headquarters and principal
18 place of business at 2701 San Tomas Expressway, Santa Clara, California, and offices
19 throughout Asia, Europe and the Americas. NVIDIA designs, develops and markets three
20 dimensional (3D) graphics processors and related software. The Company's products provide
21 interactive 3D graphics to the mainstream personal computer market. NVIDIA is the second
22 leading producer of GPUs worldwide (as of the second quarter of fiscal 2008), controlling 31.4
23 percent of the market.

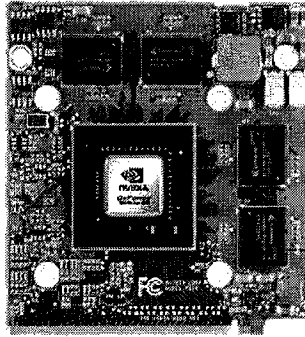
24 **FACTUAL ALLEGATIONS**

25 19. Defendant NVIDIA manufactures and sells graphics processing units and media
26 communications chips. NVIDIA's GPUs and MCPs are used in computers manufactured and
27 sold by computer companies, like HP, Dell and Apple.

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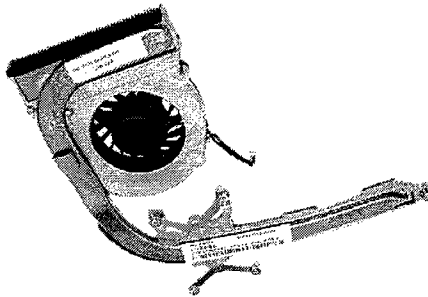
FIGURE 2



GPU and Heat Control

24. The GPU produces a large amount of heat during normal operation and is therefore usually located next to a heat sink or system fan. A heat sink is an object placed on or near the graphics processor that absorbs and dissipates the heat emanating from the GPU. The system fan operates in the same way a domestic cooling fan does and cools down the immediate environment surrounding the GPU. See Figure 3 below.

FIGURE 3



25. Typically, microchips are produced in large batches on a single wafer of electronic-grade silicon. The wafer is then cut into many pieces, each containing one copy of the circuit. Each of these pieces is called a “die.” As explained more fully below, the die component of the NVIDIA GPUs is not robust enough to withstand normal operation.

HP Confirmed the NVIDIA GPU Defect in an Internal Investigation

26. HP conducted an investigation into suspected defects in its laptops containing the NVIDIA GPUs. HP’s investigation identified 24 models affected by the defect and pinpointed

1 some of the symptoms manifested by the defective NVIDIA GPUs. NVIDIA subsequently
 2 admitted to a defect in its NVIDIA GPUs in its July 2, 2008 Form 8-K, filed with the SEC.

3 27. When NVIDIA first designs and manufactures a GPU, it tests that GPU for
 4 operating reliability. NVIDIA should have been aware of the defects from the routine tests
 5 before the GPUs were shipped to OEM manufacturers.

6 **Consumer Complaints Concerning the Defective NVIDIA GPUs**

7 28. Because of the defect, consumers who purchased Class Computers containing
 8 these NVIDIA GPUs experienced display problems and system crashes as evidenced by the
 9 hundreds (if not thousands) of consumer complaints on the Internet.

10 29. Excerpts from some of these consumer complaints are set forth below:¹

Model Number and Source	Comments
Dell Vostro 1510 <i>Bit-tech.net</i> May 2008	Here I have a brand new Dell Vostro 1510 laptop. It has 2.0GHz CPU and Geforce 8400M GS 256MB graphics card. I am worried about the graphics card and CPU temperatures. While browsing the internet GPU temperature is about 62-63C and CPU temp is about 52-55C. These temperatures were about 15-20C less on my Inspiron 6400.
Apple <i>Apple.com</i> July 2008	My GPU is always way hotter than my CPU even when I'm running very basic applications.... Now, I know that Nvidia has reported problems with some of their mobile GPU, but no details as of which GPUs are affected. Did anyone else notice the same problem?
ECS <i>Theinquirer.net</i> July 2008	<i>We have two Nvidia products here that have failed too. Namely, an ECS laptop that uses an Nvidia GPU</i> (can't remember which though ... 7300, 8300 or 8400. I'm not the one using the laptop and can't check it now because the thing's not displaying anything). <i>Service personnel say the graphics chip went AWOL.</i> Also, I have an Nvidia based mobo (MSI K9N Neo-F, Nvidia MCP 550) that has also gone the way of the dodo. <i>Service says it must be the chipset. Mobo goes nuts when it's been on for a while and heat has built up, so maybe</i>

1
 27 ¹ Emphasis added. Edited for readability purposes.

