

1 ROBBINS GELLER RUDMAN
& DOWD LLP
2 SHAWN A. WILLIAMS (213113)
DENNIS J. HERMAN (220163)
3 Post Montgomery Center
One Montgomery Street, Suite 1800
4 San Francisco, CA 94104
Telephone: 415/288-4545
5 415/288-4534 (fax)
shawnw@rgrdlaw.com
6 dherman@rgrdlaw.com

7 PAUL J. GELLER
STUART A. DAVIDSON
8 MARK J. DEARMAN
BAILIE L. HEIKKINEN
9 KATHLEEN L. BARBER
120 East Palmetto Park Road, Suite 500
10 Boca Raton, FL 33432
Telephone: 561/750-3000
11 561/750-3364 (fax)
pgeller@rgrdlaw.com
12 sdavidson@rgrdlaw.com
mdearman@rgrdlaw.com
13 bheikkinen@rgrdlaw.com
kbarber@rgrdlaw.com

Attorneys for Plaintiff

FILED

FEB - 9 2012

(4)
ISS

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
STEVEN R. JAFFE
SETH M. LEHRMAN (178303)
MARK FISTOS
425 North Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
Telephone: 954/524-2820
954/524-2822 (fax)
steve@pathtojustice.com
seth@pathtojustice.com
mark@pathtojustice.com

WHA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

COLIN FRASER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

ASUS COMPUTER INTERNATIONAL, a
California Corporation, and ASUSTeK
COMPUTER, INC., a Taiwanese Corporation,

Defendants.

No. **CV 12 0652**
CLASS ACTION

1
WSA

COMPLAINT FOR:

1. NEGLIGENCE
2. DEFECT IN DESIGN, MANUFACTURE AND ASSEMBLY
3. BREACH OF EXPRESS WARRANTY
4. BREACH OF IMPLIED WARRANTY
5. VIOLATIONS OF THE CONSUMERS LEGAL REMEDIES ACT - CIVIL CODE §§1750, et seq.;
6. VIOLATIONS OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE §§17200, et seq.; and
7. NEGLIGENT MISREPRESENTATION

DEMAND FOR JURY TRIAL

1 Plaintiff Colin Fraser ("Plaintiff"), individually and on behalf of all others similarly situated,
2 brings this Class Action Complaint, against the herein named defendants Asus Computer
3 International ("Asus Int'l") and ASUSTek Computer Inc. ("Asustek") (collectively "Defendants"),
4 and alleges as follows:

5 **NATURE OF THE ACTION**

6 I. This is a consumer class action brought on behalf of Plaintiff and others similarly
7 situated who purchased the ASUS Eee Pad Transformer Prime TF201 Tablet (the "Transformer
8 Prime"). The Transformer Prime is a tablet device which is similar to the iPad and that was
9 advertised to perform many of the same functions.

10 2. Asustek is a multinational computer technology and consumer electronics product
11 manufacturer headquartered in Taipei, Taiwan. Asustek's product range, commonly branded under
12 the name ASUS, includes motherboards, desktops, laptops, monitors, tablet PCs, servers and mobile
13 phones. The company also produces components for other manufacturers, including Dell, Falcon
14 Northwest, Hewlett-Packard, and Defendants. Asustek is listed on both the London Stock Exchange
15 and the Taiwan Stock Exchange. Asustek's 2010 revenue was approximately \$19.07 billion.¹

16 3. Defendants designed, manufactured, marketed, and warranted the Transformer Prime
17 to consumers nationwide. In conjunction with each sale, Defendants marketed, advertised and
18 warranted, among other things, that each Transformer Prime included global positioning system
19 ("GPS"), a satellite-based navigation, wireless ("Wifi") capabilities, and was otherwise fit for the
20 ordinary purpose for which such goods are used and was free from defects in materials and
21 workmanship.

22 4. Defendants knew or should have known that the Transformer Prime was defective in
23 design and/or manufacture, was not fit for its ordinary and intended use, and did not perform in
24 accordance with the advertisements, marketing materials and warranties disseminated by
25

26 _____
27 ¹ <http://www.forbes.com/companies/asustek-computer/> (last visited January 12, 2012)
28

1 Defendants. In addition, Defendants knew or should have known that the Transformer Prime does
2 not conform with the reasonable expectations of ordinary consumers.

3 5. Specifically, the Transformer Prime contains a defect that results in the significant
4 loss or reduction of GPS and Wifi (the "Defect") because it was designed and manufactured with a
5 metallic unibody design. The metallic properties of the design impede the performance of the GPS
6 when the device receives signals from satellites, and was reported to cause the Wifi to become
7 unreliable.

8 6. Defendants are aware of this Defect. Indeed, they have acknowledged these problems
9 and have even apologized in a Facebook post that states as follow:²

10 The ASUS Transformer Prime is made from a metallic unibody design, so the
11 material may affect the performance of the GPS when receiving signals from
12 satellites. Please note that this product is not a professional GPS device, and signal
13 performance can be easily influenced by factors including, but not limited to:
14 weather, buildings, and surrounding environments. Please understand there are
15 limitations when using the GPS function. To avoid inconveniencing users who
16 demand a powerful GPS device, we made the decision to remove it from our
17 specification sheet and marketing communications. We apologize for any
18 inconvenience this has caused.

15 7. In response to problems with the Transformer Prime's GPS capabilities, Defendants
16 simply removed any references and/or representations to GPS in the Transformer Prime
17 specifications. However, Defendants' authorized retailers continue to advertise the Transformer
18 Prime with GPS capability.

19 8. As a result of the Defect in the Transformer Prime, Plaintiff and the Class have
20 suffered damages, in that they purchased and/or own a Transformer Prime that they would not
21 otherwise have bought and/or owned had they known of the Defect which can not be remedied.

22 JURISDICTION AND VENUE

23 9. This Court has jurisdiction over the instant lawsuit pursuant to 28 U.S.C. §1332(a)(1)
24 as modified by the Class Action Fairness Act of 2005, because the Plaintiff herein and the
25 Defendants herein are citizens of different states, there are more than 100 members of the class and
26

27

28

² <http://www.facebook.com/ASUS/posts/300815559961849> (last visited January 10, 2012)

1 the aggregate amount in controversy exceeds \$5,000,000.00, exclusive of attorneys' fees, interest,
2 and costs.

3 10. Pursuant to 28 U.S.C. §1391(b), venue is proper in this district because a substantial
4 part of the events or omissions giving rise to the claims occurred in this District.

5 **INTRADISTRICT ASSIGNMENT**

6 11. A substantial part of the events or omissions which give rise to the claims in this
7 action occurred in the county of Alameda, and as such this action is properly assigned to the Oakland
8 Division of this Court.

9 **PARTIES**

10 12. Plaintiff, Colin Fraser is a citizen and resident of the State of Florida. Plaintiff
11 purchased a Transformer Prime as a direct result of Defendants' marketing and advertising. Had
12 Plaintiff been aware of the Transformer Prime's Defect, Plaintiff would not have purchased the
13 device. Plaintiff purchased his Transformer Prime version from Amazon.com on December 20,
14 2011 in Broward County, Florida, for the price of \$500.00.

15 13. Defendant Asus Int'l is a California corporation with its headquarters and principal
16 place of business located at 800 Corporate Way, Fremont, California 94539. Asus Int'l is the
17 designer, manufacturer and creator of the Transformer Prime. Asus Int'l transacts substantial
18 business throughout the State of California, through advertising, marketing, and the sale of products,
19 including the Transformer Prime. Asus Int'l sells and markets the Transformer Prime to consumers,
20 including many members of the Class who purchased their Transformer Primes at retail stores
21 throughout California, including in this District.

22 14. Upon information and belief, Defendant Asustek is a Taiwan, R.O.C. corporation
23 with its principal place of business located at No. 15, Li-Te Rd., Peitou District, Taipei 112, Taiwan
24 R.O.C. Upon information and belief, Asus Int'l is the wholly owned and or controlled American
25 subsidiary of Asustek. Upon information and belief, Asustek conducts business within the State of
26 California and within this District and has sufficient contacts with the State of California and this
27 District that maintenance of this action in this locale would be consistent with traditional notions of
28

1 fair play and substantial justice. Asustek may be served with process through its American and
2 California based subsidiary Asus Int'l.

3 SUBSTANTIVE ALLEGATIONS

4 **Background**

5 15. Defendants manufacture, design, produce and sell several types of electronic
6 products, including, among others, personal computers and tablets. Among these products is the
7 well-known Transformer Prime. The Transformer Prime, model TF 201, is a tablet computer with a
8 10.1" IPS multi-touch screen with a resolution of 1280x800 and an Nvidia Tegra 2 system-on-a-chip
9 (SoC). It has a 802.11b/g/n Wi-Fi module.³

10 16. Prior to the release of the Transformer Prime, Defendants engaged in a lengthy and
11 extensive global advertising campaign to market this device. In October 2011, Asus Int'l announced
12 that it planned to bring the Transformer Prime to market by way of a Facebook campaign.⁴ The
13 Transformer Prime was announced on November 18, 2011 and appears as follows:⁵



20 **Problems with the Transformer Prime Begin to Emerge**

21 17. On December 30, 2011, news began to emerge that hardware problems existed
22 relating to the Transformer Prime's GPS and Wifi capabilities. The Defect was later confirmed by

23
24 ³ <http://www.slashgear.com/asus-eee-pad-transformer-first-impressions-video-30143387/> (last
visited January 12, 2012)

25 ⁴ [http://techcrunch.com/2011/10/19/asus-teases-the-transformer-2-android-tablet-hints-at-the-
26 next-transformation/](http://techcrunch.com/2011/10/19/asus-teases-the-transformer-2-android-tablet-hints-at-the-next-transformation/) (last visited January 12, 2012)

27 ⁵ [http://techcrunch.com/2012/01/03/the-swift-rise-and-sad-fall-of-the-asus-transformer-prime-
28 android-tablet/](http://techcrunch.com/2012/01/03/the-swift-rise-and-sad-fall-of-the-asus-transformer-prime-android-tablet/) (last visited January 12, 2012)

1 Defendants as the result of the spun aluminum back panel which effectively blocks GPS signals.
2 This Defect was corroborated by Asus Int'l on December 30, 2011. Asus Int'l stated as follows:⁶

3 Dear Valued Customer,

4 Thank you for contacting ASUS Customer Service.

5 The ASUS Transformer Prime is made from a metallic unibody design, so
6 the material may affect the performance of the GPS when receiving signals
from satellites.

7 Please note that this product is not a professional GPS device and signal
8 performance can be easily influenced by factors including, but not limited to:
weather, buildings and your surrounding environment.

9 Please understand there are some limitations when using the GPS function.

10 Some scenarios you may encounter when experiencing weak GPS
11 performance:

12 1. Using the GPS while traveling in a car: The roof of a car, the insulation,
bridges and other factors can affect signal reception.

13 2. High density areas with large buildings and structures that can block line
14 of sight communication with GPS satellites.

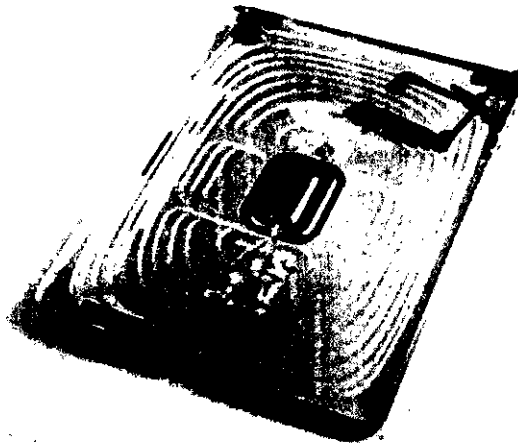
15 18. As part of that advertising and marketing campaign, Defendants made multiple claims
16 that its new device would have GPS capabilities. Additionally, third-party sellers including New
17 Egg and Best Buy have advertised and continue to advertise that the Transformer Prime has GPS
18 capabilities.⁷⁸

19 19. The Android Police posted a picture of the defective design in an article entitled "A
20 Breakdown Of Why GPS Sucks On The Transformer Prime (And Why It Can't Be Fixed With A
21 Software Update)" which clearly depicts the aluminum design that is believed to be that cause of
22 both the GPS and Wifi problems:

23 ⁶ <http://www.landofdroid.com/2011/asus-response-to-transformer-prime-gps-problems/> (last
24 visited January 12, 2012)

25 ⁷ [http://www.newegg.com/Store/BrandSubCategory.aspx?Brand=1315&SubCategory=2557&
26 name=ASUS-Tablets](http://www.newegg.com/Store/BrandSubCategory.aspx?Brand=1315&SubCategory=2557&name=ASUS-Tablets) (last visited February 3, 2012)

27 ⁸ [http://www.bestbuy.com/site/Asus+-+Eee+Pad+Transformer+Tablet+with+16GB+
28 Storage+Memory+-+Brown/Black/2475916.p?id=1218329537880&skuId=2475916](http://www.bestbuy.com/site/Asus+-+Eee+Pad+Transformer+Tablet+with+16GB+Storage+Memory+-+Brown/Black/2475916.p?id=1218329537880&skuId=2475916) (last visited
February 3, 2012)



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

20. Additionally, many internet forums and posts have been created to discuss the Transformer Prime's Defect and to air consumer complaints. For example:⁹

POST:

Bad news, it's now official, the Transformer Prime no longer has a GPS (no longer a supported, spec'd or advertised feature). This solves the dilemma. Users who absolutely need GPS in a tablet should return the unit and get a refund; and wait for another Tegra3 (or similar) tablet.

RESPONSE:

Saying it isn't there doesn't solve the problem. Get my GPS working because when I bought it, it said there was a GPS. The GPS is a big integral of the device which many things depend on....without it it's only worth 400. So unless they refund my money, please give me my 500 back and take the tablet. I'll wait to pay 500 for the next quad core tablet with working GPS. Asus better get their PR team on the double and solve this problem or there's going to be a big lawsuit on their hands.

21. In fact, a petition was created by consumers that own the Transformer Prime detailing issues with the GPS functionality and the unreliability of the Wifi. The petition states as follows:¹⁰

Fix or replace Transformer Prime Model TF201

Greetings,

I just signed the following petition addressed to: Asustek.

Fix or replace Transformer Prime Model TF201

⁹ <http://forum.xda-developers.com/showthread.php?t=1404646> (last visited January 12, 2012)

¹⁰ <http://www.change.org/petitions/jonney-shih-chairman-jerry-shen-ceo-fix-or-replace-transformer-prime-model-tf201> (last visited January 12, 2012)

1 Asus released the Transformer Prime mere weeks ago after several delays.
2 One of the reasons for this delay was rumored to be wifi issues due to the
aluminum body design.

3 Asus responded that it was only a few in the first batch that were victims of
4 this design flaw and they recalled 300 units as a result.

5 Upon release, end users have found that the WiFi issue is much more
6 widespread, in addition, we are finding that GPS and bluetooth issues are also
a likely result of the same design flaw.

7 In response to these revelations Asus simply opted to remove the GPS spec
8 from the spec list altogether and to make matters worse, Asus announced on
9 1/10/2012 that a new improved Transformer Prime was near release. Aside
10 from the improved screen and front facing camera, it seems the main things
Asus touted with this iteration of the Prime are the improved back plate that
11 has all but eliminated the problems with wireless connections such as GPS,
WiFi and Bluetooth.

12 This petition is to encourage Asus to at least allow current TF201 owners a
13 genuine fix by way of a retrofitted backplate replaced by Asus OR a
reasonable option to trade in for the TF700T.

14 22. In response, Defendants have announced a replacement model for the Transformer
15 Prime, the TF700T, which may address the Defect found in the Transformer Prime.

16 23. According to dealers, Defendants are expected to ship 3 to 4 million tablets in 2012,
17 double the 1.8 million previously forecasted for the full-year 2012.¹¹

18 **Plaintiff's Experience with the Transformer Prime**

19 24. On December 20, 2011, Plaintiff purchased his Transformer Prime, from
20 Amazon.com and received shipment on January 16, 2012.

21 25. Almost immediately after the purchase of his Transformer Prime, Plaintiff began to
22 experience significantly reduced GPS performance which rendered the device unreliable and not
23 functional.

24 26. Upon information and belief, Plaintiff's reception problems relating to the GPS are
25 not unique and individuals across the country have experienced similar problems following their
26 purchase of the Transformer Prime.

27 ¹¹ http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?Type=aECO&ID=201112010013
28 (last visited January 12, 2012)

1 their officers and/or directors, or any of them; the Judge assigned to this action, and any member of
2 the Judge's immediate family.

3 32. **Numerosity.** The members of the Class are so numerous that their individual joinder
4 is impracticable. Plaintiff is informed and believes, and on that basis alleges, that the proposed Class
5 contain many hundreds of thousands of members. The precise number of Class members is
6 unknown to Plaintiff. The true number of Class members are known by the Defendants, however,
7 and thus, may be notified of the pendency of this action by first class mail, electronic mail, and by
8 published notice.

9 33. **Existence and Predominance of Common Questions of Law and Fact.** Common
10 questions of law and fact exist as to all members of the Class and predominate over any questions
11 affecting only individual Class members. These common legal and factual questions include, but are
12 not limited to, the following:

13 (a) Whether Defendants were negligent in the design, manufacturing, and
14 distribution of the Transformer Prime;

15 (b) Whether the Transformer Prime designed, manufactured, marketed,
16 distributed, or sold by Defendants was unfit for its intended purpose and use because of its design;

17 (c) Whether Defendants breached any warranties in selling the Transformer
18 Prime;

19 (d) Whether Defendants intentionally or negligently misrepresented material facts
20 relating to the character and quality of the Transformer Prime; and

21 (e) Whether Plaintiff and the Class are entitled to damages, and what is the proper
22 measure of damages.

23 34. **Typicality.** Plaintiff's claims are typical of the claims of the members of the Class in
24 that the Defendants manufactured, sold, warranted, and marketed a defectively designed
25 Transformer Prime to Plaintiff, like all other members of the Class.

26 35. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the interests
27 of the members of the Class. Plaintiff has retained counsel highly experienced in complex consumer
28

1 class action litigation, and Plaintiff intends to prosecute this action vigorously. Plaintiff has no
2 adverse or antagonistic interests to those of the Class.

3 36. *Superiority.* A class action is superior to all other available means for the fair and
4 efficient adjudication of this controversy. The damages or other financial detriment suffered by
5 individual Class members is relatively small compared to the burden and expense that would be
6 entailed by individual litigation of their claims against the Defendants. It would thus be virtually
7 impossible for the Class, on an individual basis, to obtain effective redress for the wrongs done to
8 them. Furthermore, even if Class members could afford such individualized litigation, the court
9 system could not. Individualized litigation would create the danger of inconsistent or contradictory
10 judgments arising from the same set of facts. Individualized litigation would also increase the delay
11 and expense to all parties and the court system from the issues raised by this action. By contrast, the
12 class action device provides the benefits of adjudication of these issues in a single proceeding,
13 economies of scale, and comprehensive supervision by a single court, and presents no unusual
14 management difficulties under the circumstances here.

15 37. In the alternative, the Class may be also certified because:

16 (a) the prosecution of separate actions by individual Class members would create
17 a risk of inconsistent or varying adjudication with respect to individual Class members that would
18 establish incompatible standards of conduct for the Defendants;

19 (b) the prosecution of separate actions by individual Class members would create
20 a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the
21 interests of other Class members not parties to the adjudications, or substantially impair or impede
22 their ability to protect their interests; and/or

23 (c) Defendants have acted or refused to act on grounds generally applicable to the
24 Class thereby making appropriate final declaratory and/or injunctive relief with respect to the
25 members of the Class as a whole.

26 38. The claims asserted herein are applicable to all consumers throughout the United
27 States who purchased the Transformer Prime.

1 60. Defendants impliedly represented and warranted that the Transformer Primes were
2 free of defects, were merchantable, and were fit for their intended purpose.

3 61. Defendants breached these representations and implied warranties. Defendants made
4 and/or allowed these misrepresentations to be made with the intent of inducing members of the Class
5 to purchase Transformer Primes. If Plaintiff and members of the Class had known the true facts
6 regarding the defective condition of the Transformer Primes, they would not have purchased
7 Transformer Primes or paid as much money for the Transformer Primes.

8 62. By virtue of its knowledge of the defect and of the experience of purchasers and/or
9 owner of the Transformer Primes who complained thereof, Defendants have received notice of the
10 breach of the warranties.

11 63. The element of privity, if applicable, exists between Defendants and members of the
12 Class because, inter alia: (i) Defendants have had direct written communications with members of
13 the Class with regard to the Transformer Prime in the form of standardized warranty forms and
14 registration cards; (ii) Defendants have had direct communications with members of the Class with
15 regard to the Transformer Prime through television, newspaper, and magazine advertisements; (iii)
16 the Defendants' online website that have sold Transformer Primes to and communicated with
17 Plaintiff and members of the Class are agents, in law or in fact, of Defendants and are authorized to
18 sell Defendants' merchandise on Defendants' behalf; (iv) Defendants have entered into contracts
19 with members of the Class in connection with the assurance of warranties; and (v) Plaintiff and
20 members of the Class are third-party beneficiaries of warranties that ran from Defendants to its
21 agents, the dealers and sellers of Defendants' products.

22 64. The damages suffered by Plaintiff and the Class were directly and proximately caused
23 by the defective Transformer Primes.

24 65. Moreover, upon information and belief, Defendants acted and continue to act in an
25 identical or substantially similar manner with respect to the entire putative Class by continuing to
26 manufacture, warrant, and sell defective Transformer Primes and by providing wholly inadequate
27 remedies to consumer complaints.

28

1 78. Defendants' acts, omissions, misrepresentations, practices and non-disclosures
2 alleged herein also constitute "unfair" business acts and practices within the meaning of Business &
3 Professions Code §§17200, *et seq.* in that its conduct is substantially injurious to consumers, offends
4 public policy, and is immoral, unethical, oppressive, and unscrupulous as the gravity of the conduct
5 outweighs any alleged benefits attributable to such conduct.

6 79. As stated in this Complaint, Plaintiff alleges violations of consumer protection, unfair
7 competition and truth in advertising laws in California resulting in harm to consumers. Plaintiff
8 asserts violations of the public policy of engaging in false and misleading advertising, unfair
9 competition and deceptive conduct towards consumers. The conduct constitutes violations of the
10 unfair prong of California Business & Professions Code §§17200, *et seq.*

11 80. There were reasonably available alternatives to further Defendants' legitimate
12 business interests, other than the conduct described herein.

13 81. Business & Professions Code §17200 also prohibits any "fraudulent business act or
14 practice."

15 82. Defendants' claims, non-disclosures and misleading statements, as more fully set
16 forth above, were false, misleading and/or likely to deceive the consuming public within the
17 meaning of Business & Professions Code §17200.

18 83. Defendants' conduct caused and continues to cause substantial injury to Plaintiff and
19 the other Class members. Plaintiff has suffered injury in fact and has lost money as a result of
20 Defendants' unfair conduct.

21 84. Defendants have thus engaged in unlawful, unfair and fraudulent business acts and
22 practices in false advertising, entitling Plaintiff to judgment and equitable relief against Defendants
23 as set forth in the Prayer for Relief.

24 85. Additionally, pursuant to Business & Professions Code §17203, Plaintiff seeks an
25 order requiring Defendants to immediately cease such acts of unlawful, unfair and fraudulent
26 business practices and requiring Defendants to engage in a corrective advertising campaign.

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

COUNT VII

Negligent Misrepresentation

86. Plaintiff realleges and incorporates by reference the previous allegations as if fully set forth herein.

87. Defendants negligently and recklessly misrepresented various material facts regarding the quality and character of their product, under circumstances where Defendants either knew or reasonably should have known that the representations were not true. These misrepresentations were contained in various advertising, packaging, and correspondence from Defendants, and such misrepresentations were further reiterated and disseminated by the officers, agents, representatives, servants, or employees of Defendants acting within the scope of their authority.

88. In reliance upon these misrepresentations, Plaintiff purchased the Transformer Prime for use as a device with GPS and Wifi enabled capabilities.

89. Had Plaintiff known of the defective design and/or manufacture of the Transformer Prime, he would not have purchased the Transformer Prime from Defendants.

90. As a direct and proximate consequence of Defendants' negligent misrepresentations, Plaintiff has been injured.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, prays for relief and judgment against Defendants as follows:

A. Certification of this action as a class action, appointment of Plaintiff as a Class representative and the undersigned counsel as Class counsel;

B. An order declaring the actions complained of herein to be in violation of the statutory law set forth above, including a preliminary injunction enjoining Defendants from further acts in violation of the California Act and Business and Professions Code §17200, pending the outcome of this action;

C. An order enjoining and restraining Defendants from any further acts in violation of the California Act and the Business and Professions Code §17200 set forth above;

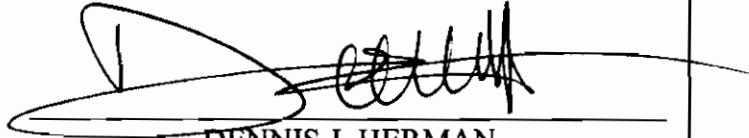
- 1 D. An award of compensatory damages, statutory damages, and all other forms of
2 monetary and non-monetary relief recoverable under state law;
3 E. An award of prejudgment and post-judgment interest;
4 F. An award of injunctive relief;
5 G. An award of costs, including, but not limited to, discretionary costs, attorneys' fees
6 and expenses incurred in prosecuting this case; and
7 H. Grant such other and further relief as the Court deems just and proper.

8 **JURY DEMAND**

9 Plaintiff, on behalf of himself and all others similarly situated, hereby demands a jury trial on
10 all issues so triable.

11 DATED: February 9, 2012

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS
DENNIS J. HERMAN

13
14 
15 DENNIS J. HERMAN

16 Post Montgomery Center
17 One Montgomery Street, Suite 1800
18 San Francisco, CA 94104
19 Telephone: 415/288-4545
20 415/288-4534 (fax)

21 ROBBINS GELLER RUDMAN
22 & DOWD LLP
23 PAUL J. GELLER
24 STUART A. DAVIDSON
25 MARK J. DEARMAN
26 BAILIE L. HEIKKINEN
27 KATHLEEN L. BARBER
28 120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

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

FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
STEVEN R. JAFFE
SETH M. LEHRMAN
MARK FISTOS
425 North Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
Telephone: 954/524-2820
954/524-2822 (fax)

Attorneys for Plaintiff

S:\CptDraft\Consumer\Cpt Asus Computer Int'l.doc