IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THERMAL CORP. and THERMACORE, INC., Plaintiffs v. MOMENTIVE PERFORMANCE MATERIALS, INC., Defendant.	CIVIL ACTION NO. 10-380-JJF-MPT

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Parties

1. Thermal Corp. is a Delaware corporation and has a place of business at 103 Foulk Road, Suite 102, Wilmington, DE 19803.

2. Thermacore, Inc. is a Pennsylvania corporation and has a place of business at 780 Eden Rd., Lancaster, PA 17601.

3. Upon information and belief, Momentive Performance Materials, Inc. (hereafter "Momentive") is a Delaware corporation and has a place of business at Albany, New York.

Patent

4. Thermal Corp. is the assignee of the entire right, title and interest in United States Letters Patent No. 5,296,310 ("the '310 patent") which validly issued on March 22, 1994. A copy of the '310 patent is attached hereto as Exhibit A.

5. Thermacore, Inc. is the exclusive licensee of all substantial rights in the '310 patent in the United States.

Jurisdiction and Venue

6. This is a complaint for infringement of United States patents under 35 U.S.C. §§ 271 and 281.

7. Jurisdiction arises under 28 U.S.C. §§ 1331 and 1338.

8. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and (c).

COUNT I

UTILITY PATENT INFRINGEMENT

9. This cause of action for patent infringement arises out of 35 U.S.C. § 271.

10. The '310 patent grants Thermal Corp. and Thermacore, Inc. the right to prevent others from making, using, importing, selling and offering for sale in the United States particular high conductivity structural materials that are covered by a claim or claims of the '310 patent.

11. On information and belief, Momentive has infringed the '310 patent by making, using, selling and/or offering for sale high conductivity structural materials that are covered by one or more claims of the '310 patent. On information and belief, these high conductivity structural materials have a high thermal conductivity core, face sheets disposed on opposite sides of the high conductivity core, and a frame surrounding the high conductivity core and bonded to the face sheets, and are made, used, sold, and/or offered for sale by Momentive under the family of products known as "TC1050®," and perhaps other designations.

12. Momentive's infringement of the '310 patent has been with actual or constructive notice of the '310 patent, and therefore is willful. Upon information and belief, Momentive was

aware of and had notice of the '310 patent due to a prior business relationship between Momentive's predecessor-in-interest and the predecessor-in-interest of Thermal Corp. and Thermacore, Inc.

PRAYERS FOR RELIEF

WHEREFORE, Thermal Corp. and Thermacore, Inc. demand judgment against Momentive, and demands relief as follows:

A. That this Court permanently enjoin Momentive, and those officers, directors, agents, employees and any person or entity in active concert or participation with Momentive from infringing the '310 patent.

B. That Momentive be ordered to deliver up for destruction all infringing materials, and all related items including without limitation drawings and hardware, that are in its possession or under control of Momentive, and which have enabled Momentive's infringement of the '310 Patent.

C. That this Court award Thermal Corp. and Thermacore, Inc. money damages under 35 U.S.C. § 284 sufficient to compensate Thermal Corp. and Thermacore, Inc. for the financial damage caused by Momentive's infringement, including enhanced damages if the infringement is found to be willful; the additional remedy of Momentive's total profit from sales of the infringing products under 35 U.S.C. § 289; and Thermal Corp.'s and Thermacore, Inc.'s reasonable attorney fees under 35 U.S.C. § 285 if this case is deemed to be exceptional.

D. That this Court award to Thermal Corp. and Thermacore, Inc. such other and further relief as is authorized by statute or is deemed appropriate by this Court.

Dated: September 16, 2010

/s/ David P. Primack

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Attorneys for Thermal Corp. and Thermacore, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2010, I caused the foregoing Amended Complaint to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

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