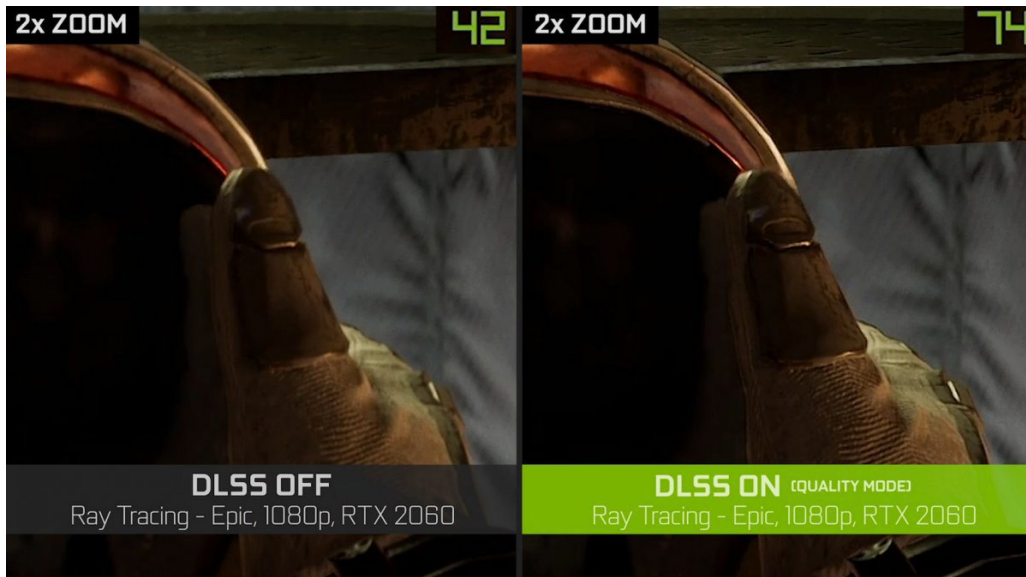


Dell Hit with False Marketing Class Action Complaint

by Eric Hamilton



If you've been keeping up with our YouTube channel and Twitter, you've seen that we've detailed our own frustrations with Dell in recent months. These frustrations range from scummy business tactics, to exceedingly low-quality pre-built gaming PCs. Dell's pre-built G5 5000 isn't worth considering even if all you wanted was the GPU.

All that said, we now bring you news of consumer frustrations with Dell, in case you got tired of hearing ours. We received an email on behalf of Class Action Attorneys and Whistleblower [Lawyer] Brian Mahany, David Kani, and Steve Hochfelsen detailing a new Class Action

filed against Dell regarding False Marketing. The email title makes a strong point to accuse Dell of "cheating gamers."

Robert Felter, who lives in California, is filing a class action lawsuit against Dell. The lawsuit is based on Dell's Alienware Area-51M R1 gaming laptop, whereby the lawsuit alleged that Dell "intentionally misled and deceived" buyers over the supposed upgradeable components, like the CPU and GPU.

The agency representing the lawyers has an open request to speak to consumers who purchased the Area 51M R1 "after being exposed to Dell's deceptive marketing

campaign.” The agency wants Area 51M R1 owners to contact it with the spec of the laptop and location of purchase. You can contact them at inquiries@elitelawyermanagement.com.

The crux of the issue is Dell’s marketing around an upgradeable laptop. When the Alienware Area-51M R1 was announced and launched in 2019, its marketing was heavily tinged with upgradability as the central feature. According to the lawsuit, Dell never clearly defined the limitations of that upgradability -- at least not before users bought the R1 model.

It seems Dell didn’t clarify how upgradeable these machines were until it launched the second model, the Alienware Area-51M R2. This is where the lawsuit starts to gain traction. With the release of the R2, Dell stated that the R1’s upgrade path for CPUs and GPUs would be limited to models within that same generation -- that is, Intel’s 9th-gen CPUs and Nvidia’s RTX 20-series. The newer R9 was much the same, although its CPUs would be locked to Intel’s 10th-gen line. The problem is that systems shipping with the flagship 9000-series CPUs would clearly have no upgrade path at all, being unable to socket 10-series and being devoid of superior 9-series CPUs. It is, therefore, not upgradeable. It is, however, downgradeable, but that’s not really a

selling point.

The GPUs were perhaps the most limited, as users could only upgrade the GPU through GPU upgrade kits that used Dell’s proprietary Dell Graphics Form Factor (DGFF) modules. The lawsuit points-out that Dell’s initial marketing and documentation never mentioned this, and misled users into believing that the CPU and GPU were upgradeable beyond the current generation, akin to desktops. In fact, Dell’s marketing called this a “mobile desktop,” which the Complaint says “further cements its alleged material capability that the Area 51M is upgradeable in the same way a desktop is upgradeable.”

This apparently became a problem when owners of the original R1 wanted to upgrade their Intel 9th-gen CPU to one of Intel’s 10th-Gen CPUs.

Anyone buying the highest-end model would not be able to upgrade. The easy way out would have been for Dell to only ship this with a 9700K, but that wasn’t the case.

Furthermore, according to the filing:

“After his purchase, Plaintiff later inquired about upgrading his Area 51M’s Core Components but learned that, contrary to Dell’s repeated promises that the Area 51M is upgradeable, none of the Area

51M's Core Components, were in fact, upgradeable in any way. The Area 51M's CPU was not upgradeable to the new INTEL 10th generation CPU, nor was its GPU upgradeable to the new NVIDIA RTX SUPER 2000 series. In fact, the only way Plaintiff could own a laptop with these newly released upgraded Core Components was to spend several thousand dollars more than what an upgrade would cost to purchase the then-newly released Alienware Area 51M R2 or a similarly equipped laptop from another manufacturer.”

In short, owners of the R1 would have to buy the R2 to get any meaningful upgrades. And even then, users were still locked into Nvidia's RTX 20-series line, with the only “new” upgrades for the R2 being the RTX 2080 Super and RTX 2070 Super. And again, they would be forced to buy Dell's DGFF-based upgrade kits, which were arguably overpriced.

The lawsuit is seeking financial relief, including damages and legal fees, for not only the plaintiff, but for consumers who have purchased the Alienware Area-51M R1 in the following states: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. ■