IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAFE STORAGE LLC, Plaintiff, v. ATTO TECHNOLOGY, INC., HUAWEI TECHNOLOGIES CO., LTD., HUAWEI TECHNOLOGIES USA INC., AND HUAWEI ENTERPRISE USA INC., Defendants.	)	C.A. No. _____ **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Safe Storage LLC ("Safe Storage") makes the following allegations against Defendant ATTO Technology, Inc. ("ATTO") and Defendants Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., and Huawei Enterprise USA Inc. ("Huawei"):

PARTIES

1. Plaintiff Safe Storage LLC is a Delaware limited liability company.

2. On information and belief, Defendant ATTO Technology, Inc. is a Delaware corporation with its principal office at 155 CrossPoint Parkway, Amherst, New York 14068. ATTO has appointed Incorporating Services, Ltd., 3500 S DuPont Highway, Dover, Delaware 19901, as its agent for service of process.

3. On information and belief, Defendant Huawei Technologies Co., Ltd. is a company organized under the laws of the People's Republic of China with its principal office at Huawei Industrial Base, Bantian Longgang, Shenzhen, P.R.C. On information and belief,

Huawei Technologies Co., Ltd. conducts business in the United States, directly or through its subsidiaries, the relevant ones of which are also named defendants in this action.

4. On information and belief, Defendant Huawei Technologies USA Inc. is a Texas corporation with its principal office at 5700 Tennyson Parkway, Suite 500, Plano, TX 75024. Huawei Technologies USA Inc. has appointed C T Corporation System, 350 North St. Paul St., Ste. 2900, Dallas, TX 75201, as its agent for service of process. On information and belief, Defendant Huawei Technologies USA Inc. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd. whose board members are appointed exclusively by Huawei Technologies Co., Ltd.

5. On information and belief, Defendant Huawei Enterprise USA Inc. is a California corporation with its principal office at 3965 Freedom Circle, 11th Floor, Santa Clara, CA 95054. Huawei Enterprise USA Inc. has appointed C T Corporation System, 818 W Seventh St, Los Angeles, CA 90017. On information and belief, Defendant Huawei Enterprise USA Inc. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd. whose board members are appointed exclusively by Huawei Technologies Co., Ltd.

6. Upon information and belief, at all pertinent times herein mentioned, Defendants, and each of them, were the agents and/or alter egos of their Co-Defendants and shared a unity of interest with their Co-Defendants, and, in doing the things hereinafter alleged, were acting within the course and scope of such agency and with the permission and consent of their Co-Defendants. Defendants, and each of them, had and have actual or constructive knowledge of the events, transactions and occurrences alleged herein, and either knew or should have known of the conduct of their Co-Defendants and cooperated in, benefited from and/or ratified such conduct. At all pertinent times, Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., and

Huawei Enterprise USA Inc. have been indistinguishable entities for purposes of the claims and allegations herein. *See* http://www.huawei.com/en/about-huawei/contact-us/index.htm (identifying the locations of Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., and Huawei Enterprise USA Inc.).

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over ATTO and Huawei because, among other reasons, ATTO and Huawei have done business in this District, have committed and continue to commit acts of patent infringement in this District, and have harmed and continues to harm Safe Storage in this District, by, among other things, using, selling, offering for sale, and importing infringing products and services in this District. In addition, ATTO is incorporated under the laws of the State of Delaware.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because, among other reasons, ATTO and Huawei are subject to personal jurisdiction in this District, and have committed and continue to commit acts of patent infringement in this District. On information and belief, for example, ATTO and Huawei have used, sold, offered for sale, and imported infringing products in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,978,346

10. United States Patent No. 6,978,346 ("the Safe Storage Patent" or "the '346 Patent") was invented by Sung-Hoon Baek, Joong-Bae Kim, and Yong-Youn Kim of the Electronics and Telecommunications Research Institute ("ETRI"). ETRI is the national leader in

Korea in the research and development of information technologies. Since its inception in 1976, ETRI has developed new technologies in 4M DRAM computer memory, CDMA and 4G LTE cellular phone communications, LCD displays, as well as large-scale computer storage, the technology at issue in this case. ETRI employs over 1730 research/technical staff, of whom 93% hold a post-graduate degrees and 41% have earned a doctoral degree in their technological field. Over the last five years, ETRI has applied for a total of 18,639 patents, has contributed 7,548 proposals that have been adopted by international and domestic standard organizations, and has published over 1,300 articles in peer-reviewed technology publications.

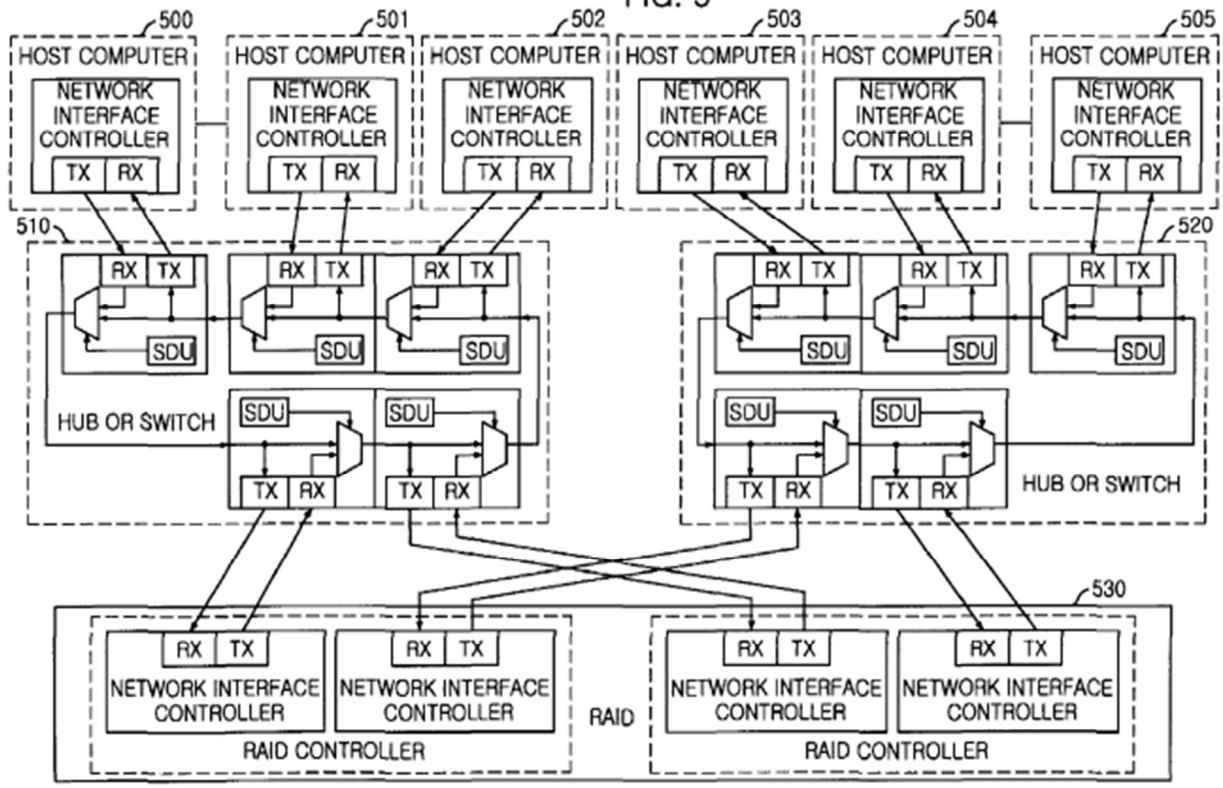
11. Safe Storage is the exclusive licensee of the '346 Patent entitled "Apparatus for redundant interconnection between multiple hosts and RAID" ("Redundant Array of Inexpensive Disks"). The application for the '346 Patent was filed on December 29, 2000, with a priority date of at least September 19, 2000. The patent issued on December 20, 2005. Pursuant to Safe Storage's exclusive license, Safe Storage has all substantial rights regarding the '346 Patent, including the exclusive right to bring suit for infringement of the '346 Patent. A true and correct copy of the Safe Storage Patent is attached as Exhibit A.

12. The Safe Storage Patent claims, *inter alia*, an apparatus for a redundant interconnection between multiple hosts and a RAID, comprising: a first RAID controlling unit and a second RAID controlling unit for processing a requirement of numerous host computers, the first RAID controlling unit including a first network controlling unit and a second network controlling unit, and the second RAID controlling unit including a third network controlling unit and a fourth network controlling unit; and a plurality of connection units for connecting the first RAID controlling units and the second RAID controlling unit to the numerous host computers, wherein the first RAID controlling unit and the second RAID controlling unit directly exchange

information with the numerous host computers through the plurality of connecting units, and the first network controlling unit exchanges information with the fourth network controlling unit, and the second network controlling unit exchanges information with the third network controlling unit.

13. One embodiment of the invention of the Safe Storage Patent is shown in Fig. 5 thereof, in which a plurality of host computers are connected to two RAID controllers by using hubs or switches:

FIG. 5



14. ATTO and Huawei have been and now are directly infringing the Safe Storage Patent, literally and/or under the doctrine of equivalents, in this judicial District and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling redundant RAID storage system products and services that include an apparatus for a redundant interconnection between multiple hosts and a RAID, comprising: a first RAID

controlling unit and a second RAID controlling unit for processing a requirement of numerous host computers, the first RAID controlling unit including a first network controlling unit and a second network controlling unit, and the second RAID controlling unit including a third network controlling unit and a fourth network controlling unit; and a plurality of connection units for connecting the first RAID controlling units and the second RAID controlling unit to the numerous host computers, wherein the first RAID controlling unit and the second RAID controlling unit directly exchange information with the numerous host computers through the plurality of connecting units, and the first network controlling unit exchanges information with the fourth network controlling unit, and the second network controlling unit exchanges information with the third network controlling unit. The infringing products and services include, for example, ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director and Huawei's OceanStor T-Series storage devices, including the OceanStor S2600T, OceanStor S5500T, OceanStor S5600T, OceanStor S5800T, OceanStor S6800T, OceanStor Dorado 2100, and OceanStor Dorado 5100.

15. ATTO and Huawei have had knowledge of the Safe Storage Patent since at least June 17, 2013, when they received letters identifying the '346 Patent, ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director and Huawei's OceanStor T-Series storage devices, and exemplary evidence of infringement, including the evidence set forth in Paragraphs 16-18 below, and ATTO and Huawei have induced their customers, users of ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director and Huawei's OceanStor T-Series storage devices, to assemble and use an apparatus for a redundant interconnection between multiple hosts and a RAID, comprising: a first RAID controlling unit and a second RAID controlling unit for processing a requirement of numerous host computers,

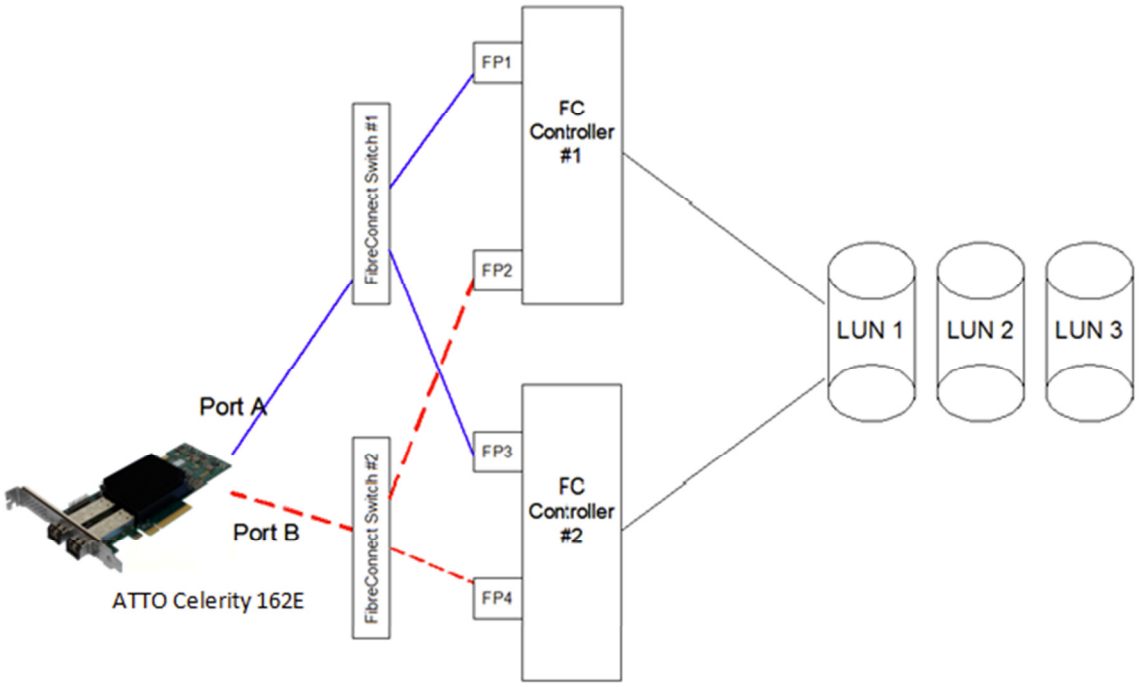
the first RAID controlling unit including a first network controlling unit and a second network controlling unit, and the second RAID controlling unit including a third network controlling unit and a fourth network controlling unit; and a plurality of connection units for connecting the first RAID controlling units and the second RAID controlling unit to the numerous host computers, wherein the first RAID controlling unit and the second RAID controlling unit directly exchange information with the numerous host computers through the plurality of connecting units, and the first network controlling unit exchanges information with the fourth network controlling unit, and the second network controlling unit exchanges information with the third network controlling unit.

16. For example, ATTO has instructed its customers, users of ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director, to connect an ATTO Celerity Fibre Channel host bus adapter to two FibreChannel switches and two FibreChannel RAID controllers in a cross-zoned multipathing configuration to provide failover and load balancing in the manner shown in the below diagram:

4 Sample MultiPath Director Configuration

The figure below (4-1 Cross Zoned Multipathing Configuration) shows an example of a cross-zoned multipathing configuration.

Exhibit 4-1 Cross Zoned Multipathing Configuration



There are (2) paths from the host, one to each of the switches. Each switch has (2) paths to the target, one to each of the RAID controllers.

This configuration provides (4) paths into the storage from two independent switches and adapter ports. This is one of the most common methods of multipathing in the industry.

- Celerity 82EN/162E Port A ---- Target Port FP1 and Target Port FP3 via Switch #1
- Celerity 82EN/162E Port B ---- Target Port FP2 and Target Port FP4 via Switch #2

If a connection between the host adapter port and either of the switches were to fail (Blue/Port A), all IO would be transferred to the opposite host adapter/switch (Red/Port B) path. Likewise, if a connection on the back-end (switch to storage) were to fail, IO would be redirected automatically to the available paths. This provides the user simple failover and load balancing.

There are several different ways to configure:

- Automatic (via ALUA / most storage arrays)
- Manual by Target (most simple manual configuration)
- Manual by LUN (greatest level of manual configuration)

Note

Automatic is the recommended mode for reliability and performance.

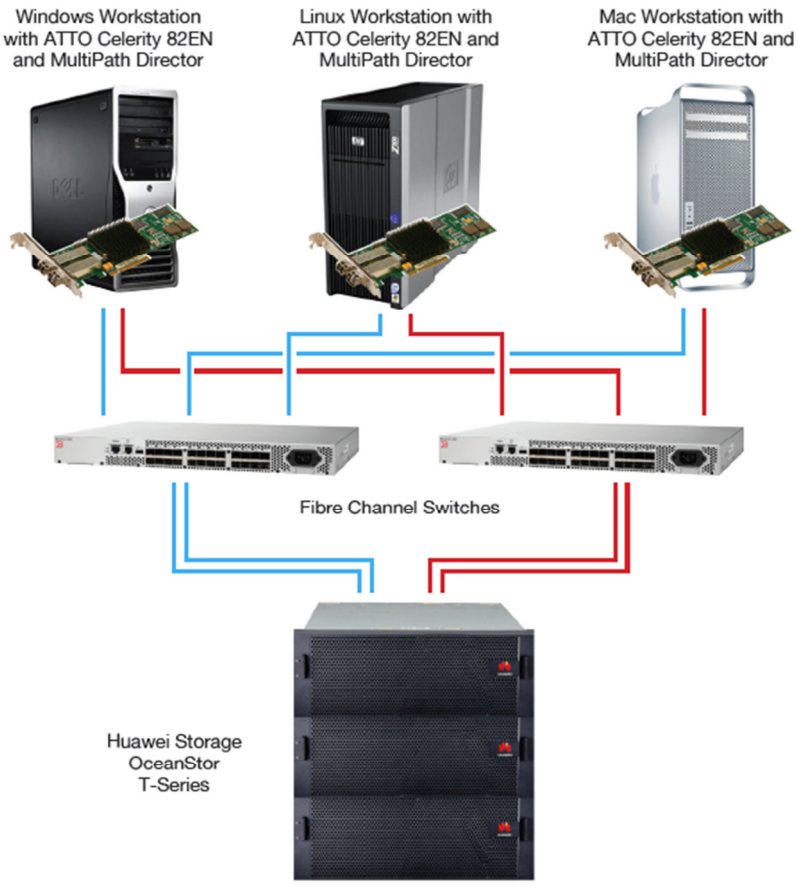
These instructions were made available by ATTO to its customers on the following website,

http://www.attotech.com/software/files/manuals/Manual_Celerity_MultiPath-Director.pdf

(entitled, "ATTO Celerity MultiPath Director™ Installation and Operation Manual") and in

making these instructions available, ATTO specifically intended to encourage its customers to follow these instructions to assemble ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director and other components into an infringing system, knowing that the assembly and use of the system described in its instructions constituted infringement of the '346 Patent.

17. ATTO and Huawei have also instructed their customers to connect multiple host computers, each with an ATTO Celerity Fibre Channel host bus adapter and installed with ATTO's MultiPath Director software, to two FibreChannel switches and Huawei OceanStor T-Series storage devices in the manner shown in the below diagram:

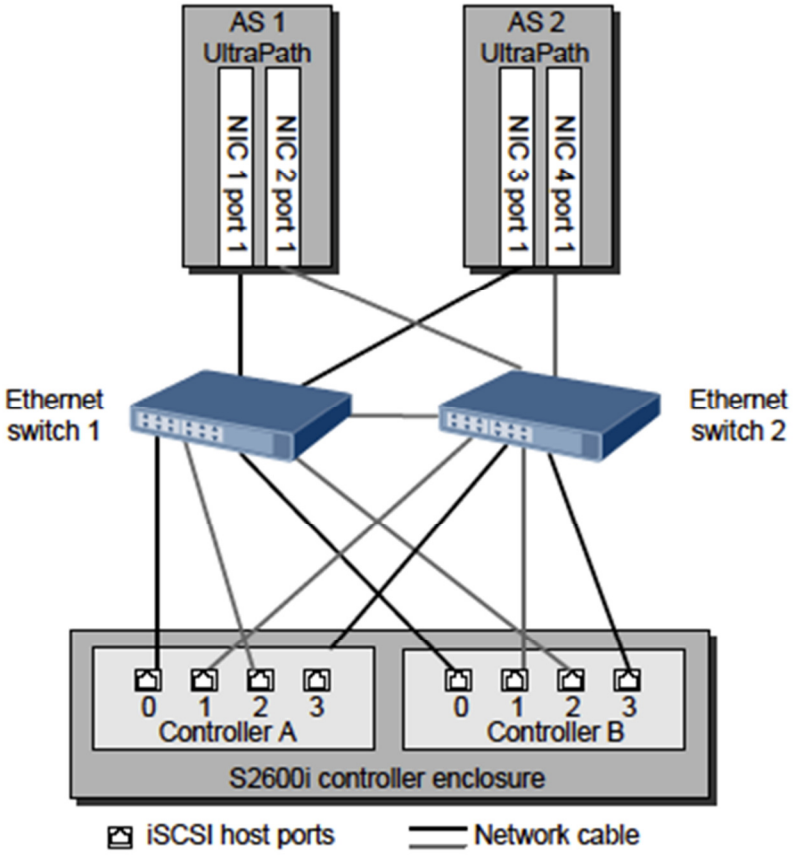


These instructions were made available by ATTO and Huawei to their customers on the following website, http://www.attotech.com/solutions/Huawei/pdfs/Huawei-ATTO-Joint-

Solution-FC.pdf, and in making these instructions available, ATTO and Huawei specifically intended to encourage their customers to follow these instructions to assemble ATTO's Celerity Fibre Channel host bus adapters with ATTO's MultiPath Director and Huawei OceanStor T-Series storage devices along with other components into an infringing system, knowing that the assembly and use of the system described in their instructions constituted infringement of the '346 Patent.

18. Huawei has also instructed its customers to connect multiple host computers to two Ethernet switches and the Huawei OceanStor S2600 Storage System in the manner shown in the below diagram:

Figure 2-9 Networking of dual-controller + ASs with double NICs + two switches



These instructions were made available by Huawei to its customers, and in making these instructions available (page 2-16 of OceanStor S2600 Storage System V100R001 Initial

Configuration Guide), Huawei specifically intended to encourage its customers to follow these instructions to assemble Huawei OceanStor T-Series storage devices with other components into an infringing system, knowing that the assembly and use of the system described in its instructions constituted infringement of the '346 Patent.

19. Thus, ATTO and Huawei have induced their customers to infringe the Safe Storage Patent literally and/or under the doctrine of equivalents. Upon information and belief, ATTO and Huawei acted with the specific intent to induce their customers to make and use the apparatus claimed by the Safe Storage Patent by continuing the above-mentioned activities with knowledge of the Safe Storage Patent.

20. By engaging in the conduct described herein, ATTO and Huawei have injured Safe Storage and are thus liable for infringement of the '346 Patent pursuant to 35 U.S.C. § 271.

21. ATTO and Huawei have committed these acts of infringement without license or authorization.

22. As a result of ATTO and Huawei's infringement of the '346 Patent, Safe Storage has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for ATTO and Huawei's infringement, but in no event less than a reasonable royalty for the use made of the invention by ATTO and Huawei, together with interest and costs as fixed by the Court, and Safe Storage will continue to suffer damages in the future unless ATTO and Huawei's infringing activities are enjoined by this Court.

23. Safe Storage has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting ATTO and Huawei, and their agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '346 Patent.

PRAYER FOR RELIEF

Safe Storage respectfully requests that this Court enter:

A. A judgment in favor of Safe Storage that ATTO and Huawei have infringed, directly and/or indirectly, the '346 Patent;

B. A permanent injunction enjoining ATTO and Huawei and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the Safe Storage Patent, or such other equitable relief the Court determines is warranted;

C. A judgment and order requiring ATTO and Huawei to pay Safe Storage its damages, costs, expenses, and prejudgment and post-judgment interest for ATTO's infringement of the '346 Patent as provided under 35 U.S.C. § 284;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Safe Storage its reasonable attorneys' fees against ATTO;

E. A judgment and order requiring ATTO to provide an accounting and to pay supplemental damages to Safe Storage, including without limitation, pre-judgment and post-judgment interest; and

F. Any and all other relief to which Safe Storage may be entitled.

DEMAND FOR JURY TRIAL

Safe Storage, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: June 17, 2013

BAYARD, P.A.

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