IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAFE STORAGE LLC,	)	
	)	
Plaintiff,	)	Civil Action No. 13-1089-GMS
	)	
v.	)	
	)	**JURY TRIAL DEMANDED**
ORACLE AMERICA, INC. and	)	
LSI CORPORATION,	)	
	)	
Defendants.		

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Safe Storage LLC ("Safe Storage") makes the following allegations against Defendants Oracle America, Inc. and LSI Corporation:

PARTIES

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

2.   On information and belief, Defendant Oracle America, Inc. ("Oracle") is a Delaware corporation with its principal office at 500 Oracle Parkway, Redwood City, California 94065. Oracle has appointed Corporation Service Company, 2711 Centerville Rd., Ste 400, Wilmington, Delaware 19808, as its agent for service of process.

3.   On information and belief, Defendant LSI Corporation ("LSI") is a Delaware corporation with its principal office at 1320 Ridder Park Drive, San Jose, California 95131. LSI has appointed Corporation Service Company, 2711 Centerville Rd., Ste 400, Wilmington, Delaware 19808, as its agent for service of process.

JURISDICTION AND VENUE

4.   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).

5.   This Court has personal jurisdiction over Oracle and LSI because, among other reasons, Oracle and LSI are incorporated under the laws of the State of Delaware, have done business in this District, have committed and continue to commit acts of patent infringement in this District, and have harmed and continue 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.

6.   Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because, among other reasons, Oracle and LSI 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, Oracle and LSI have used, sold, offered for sale, and imported infringing products in this District.

COUNT I

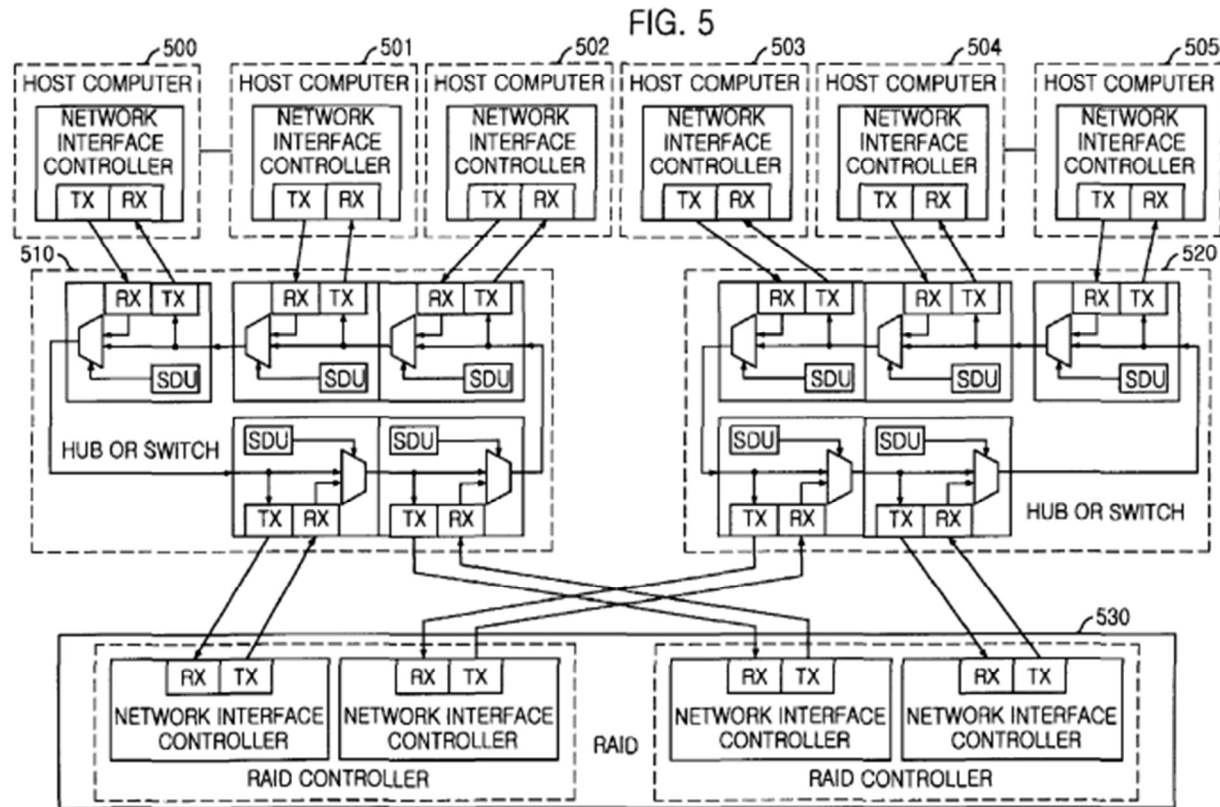### INFRINGEMENT OF U.S. PATENT NO. 6,978,346

7.   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.

8.   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.

9.   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.

10.   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

11.   Oracle and LSI have directly infringed 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, SANtricity ES Storage Manager Failover Drivers. Upon information and belief, Oracle and LSI have combined SANtricity ES Storage Manager Failover Drivers with other components in an infringing configuration in the manner described in Paragraphs 16 and 17 below in their respective internal research and development and testing use.

12.   Oracle and LSI have had knowledge of the Safe Storage Patent since at least June 17, 2013, when Oracle and LSI received letters identifying the '346 Patent, SANtricity ES Storage Manager Failover Drivers, and exemplary evidence of infringement, including the evidence set forth in Paragraphs 16 and 17 below.

13.   LSI has also had knowledge of the Safe Storage Patent since at least May 6, 2010, as shown by the following facts: U.S. Patent Application No. 12/732,908 was filed on March 26, 2010. See Exhibit B (U.S. Patent No. 8,181,062). On May 6, 2010, Applicants filed an Information Disclosure Statement identifying eight references, including the '346 patent. See Exhibit C. U.S. Patent Application No. 12/732,908 subsequently issued as U.S. Patent No. 8,181,062 and was assigned to LSI. See Exhibit B (U.S. Patent No. 8,181,062).
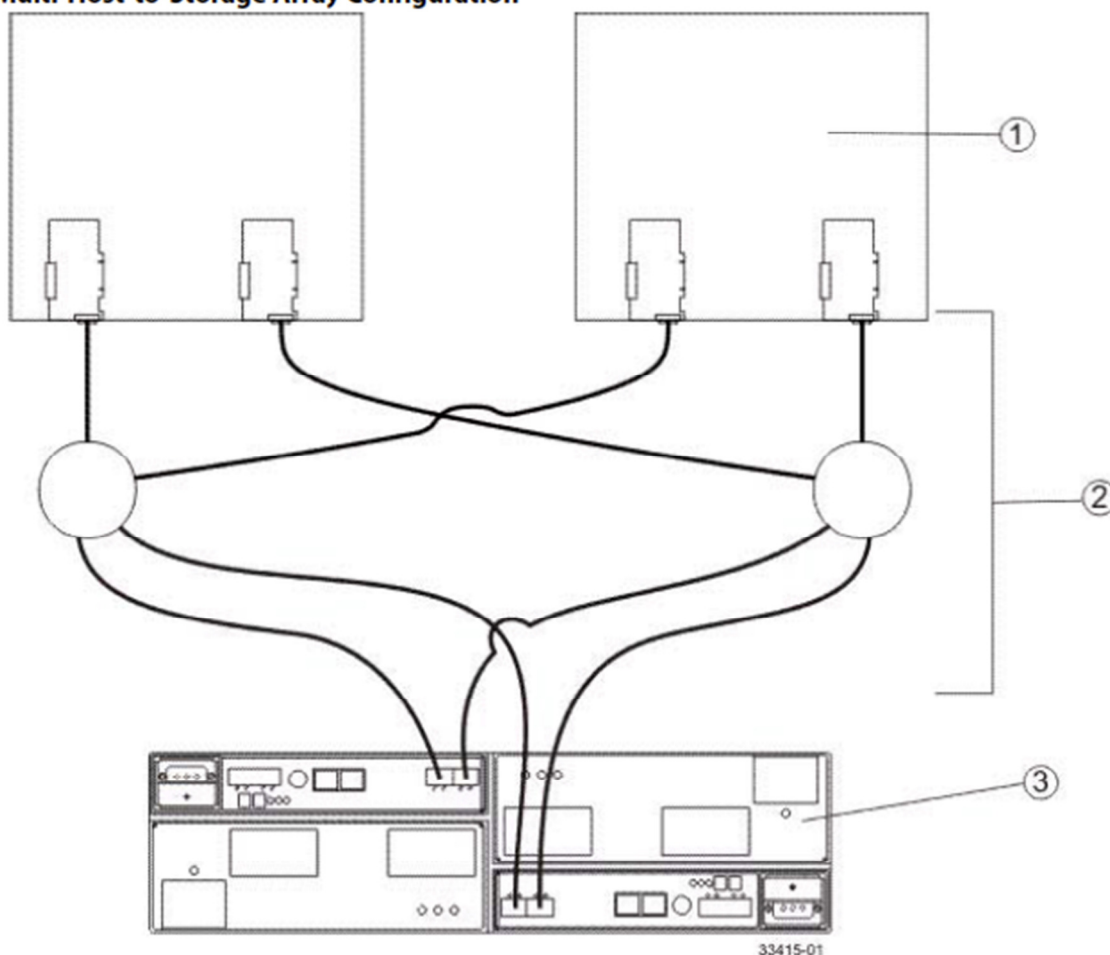
14.   LSI has also had knowledge of the Safe Storage Patent since at least August 17, 2010, as shown by the following facts: U.S. Patent Application No. 12/732,841 was filed on March 26, 2010. See Exhibit D (U.S. Patent No. 8,112,663). On August 17, 2010, Applicants filed an Information Disclosure Statement identifying eight references, including the '346 patent. See Exhibit E. U.S. Patent Application No. 12/732,841 subsequently issued as U.S. Patent No. 8,112,663 and was assigned to LSI. See Exhibit D (U.S. Patent No. 8,112,663).

15.   With knowledge of the Safe Storage Patent, Oracle and LSI have induced their customers, users of SANtricity ES Storage Manager Failover Drivers, 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, Oracle and LSI have instructed their customers, users of SANtricity ES Storage Manager Failover Drivers, to connect two host computers, each with two Fibre Channel Host Bus Adapters and with SANtricity ES Storage Manager software, including failover driver support, installed, to two FibreChannel switches and a storage array with two FibreChannel controllers in multi-host configuration in the manner shown in the below diagram to "provide[] the best failover protection and functionality in the event that a problem exists with the connection":

Figure 2Multi-Host-to-Storage Array Configuration

1. Two Host Systems, Each with Two Fibre Channel Host Bus Adapters
2. Fibre Channel Connections with Two Switches (Might Contain Different Switch Configurations)
3. Storage Array with Two Fibre Channel Controllers

These instructions were made available by Oracle and LSI[1] to their customers on the following website, http://docs.oracle.com/cd/E23944_01/pdf/E23969-01.pdf (entitled, "SANtricity ES Storage Manager Failover Drivers User Guide") and in making these instructions available, Oracle and LSI specifically intended to encourage their customers to follow these instructions to assemble SANtricity ES Storage Manager Failover Drivers with other components into an

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[1] The user guide indicates that both companies are its authors: "Copyright © 2011 LSI Corporation. All rights reserved. Copyright © 2011 Sun Microsystems, Inc. All rights reserved." On information and belief, Sun Microsystems, Inc. has merged into Oracle America, Inc., and the latter is liable for the pre-merger infringement of the former as its successor-in-interest. The identity of Sun Microsystems, Inc. with Oracle is also shown by the hosting of the user guide on the oracle.com domain.

infringing system, knowing that the assembly and use of the system described in their instructions constituted infringement of the '346 Patent.

17.   Oracle and LSI have also instructed their customers, users of SANtricity ES Storage Manager Failover Drivers, to connect four host computers to two zoned switches and a storage array with two controllers to provide redundancy:
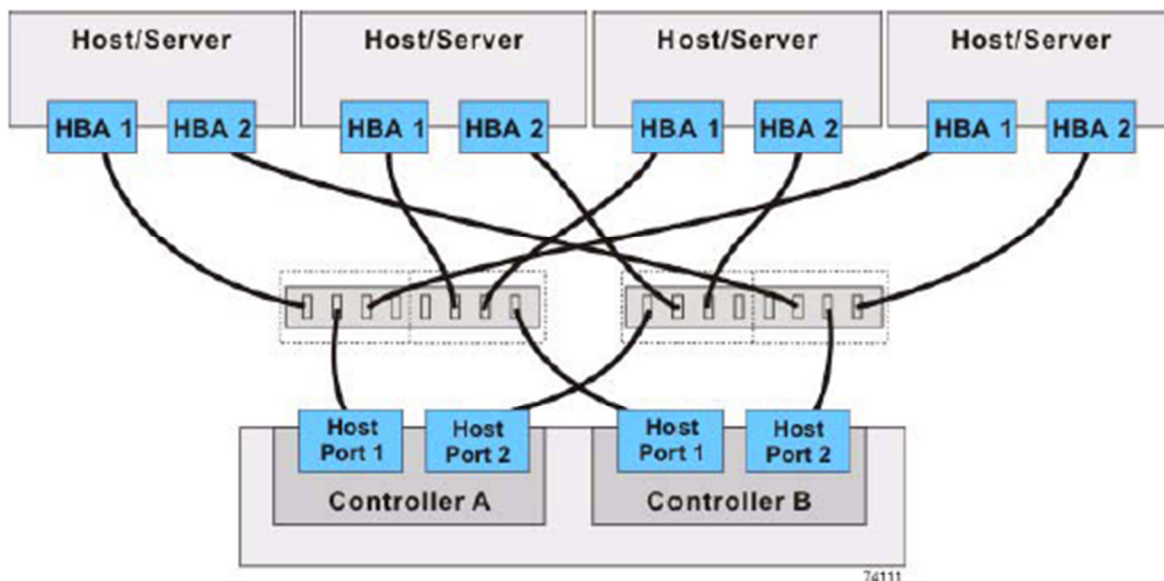

Figure 6 Switch Topology – Four Hosts and a Controller Module or a Array Module with Two Zoned Switches

These instructions were made available by Oracle and LSI[2] to their customers on the following website, http://docs.oracle.com/cd/E23944_01/pdf/E23964-01.pdf (entitled, "Hardware Cabling Guide") and in making these instructions available, Oracle and LSI specifically intended to encourage their customers to follow these instructions to assemble SANtricity ES Storage Manager Failover Drivers 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.   By engaging in the conduct described herein, Oracle and LSI have injured Safe Storage and are thus liable for infringement of the '346 Patent pursuant to 35 U.S.C. § 271.

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[2] See Footnote 1 above.

19.   Oracle and LSI have committed these acts of infringement without license or authorization.

20.   As a result of Oracle and LSI'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 Oracle and LSI's infringement, but in no event less than a reasonable royalty for the use made of the invention by Oracle and LSI, together with interest and costs as fixed by the Court, and Safe Storage will continue to suffer damages in the future unless Oracle and LSI's infringing activities are enjoined by this Court.

21.   Safe Storage has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Oracle and LSI, 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 Oracle and LSI have infringed, directly and/or indirectly, the '346 Patent;

B.   A permanent injunction enjoining Oracle and LSI 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 Oracle and LSI to pay Safe Storage its damages, costs, expenses, and prejudgment and post-judgment interest for Oracle and LSI'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 Oracle and LSI;

E.   A judgment and order requiring Oracle and LSI 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.

<u>**DEMAND FOR JURY TRIAL**</u>

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

                                                                         BAYARD, P.A.

September 10, 2013

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