

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DSS Technology Management, Inc.	§	
	§	
	§	
Plaintiff,	§	Civil Action No. 6:15-cv-130
v.	§	
	§	
	§	Jury Trial Demanded
Intel Corporation;	§	
Dell, Inc.; GameStop Corp.;	§	
Conn’s, Inc.; Conn Appliances, Inc.;	§	
Wal-Mart Stores, Inc.;	§	
Wal-Mart Stores Texas, LLC;	§	
AT&T Inc. and AT&T Mobility LLC;	§	
	§	
	§	
Defendants.	§	

PLAINTIFF’S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DSS Technology Management, Inc., files this Complaint for patent infringement under 35 U.S.C. § 271 and alleges as follows:

I. THE PARTIES

1. Plaintiff DSS Technology Management, Inc. (Plaintiff or “DSS”) is a corporation certified and authorized to transact business in Texas. It maintains offices in Plano, Texas where its employees are engaged in marketing and engineering efforts directed toward monetizing the intellectual property discussed herein.

2. Defendant Intel Corporation (“Intel”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 2200 Mission College Blvd., RNB-5-125, Santa Clara, CA 95054. Intel has been served and has filed an answer.

3. Defendant Dell, Inc., (“Dell”) is a corporation formed under the laws of the State of Delaware with its principal place of business at One Dell Way, Round Rock, Texas 78682. Dell has been served and has filed an answer.

4. Defendant GameStop Corp. (“GameStop”) is a corporation formed under the laws of the State of Delaware with its principal place of business at 625 Westport Parkway, Grapevine, Texas 76051. GameStop has been served and has filed an answer.

5. Defendant Conn’s, Inc. is a corporation formed under the laws of the State of Delaware with its principal place of business at 3295 College Street, Beaumont, Texas 77701. Conn’s has been served and has filed an answer.

6. Conn Appliances, Inc. (with Conn’s, Inc., “Conn’s”) is a corporation formed under the laws of the State of Texas with its principal place of business in at 3295 College Street, Beaumont, Texas 77701. This Defendant has been served and has filed an answer.

7. Defendant Wal-Mart Stores, Inc. is a corporation formed under the laws of the State of Delaware with its principal place of business at 702 SW 8th Street, Bentonville, Arkansas 72716. Wal-Mart Stores, Inc. has been served and has filed an answer.

8. Defendant Wal-Mart Stores Texas, LLC (with Wal-Mart Stores, Inc., “Wal-Mart”) is a limited liability company that is organized and that exists pursuant to the laws of the State of Delaware with its principal place of business at 702 S W 8th Street, Bentonville, Arkansas 72716. Wal-Mart Stores Texas, LLC has been served and has filed an answer.

9. Defendant AT&T Inc. is a corporation formed under the laws of the State of Delaware with its principal place of business at 208 South Akard Street, Dallas, Texas 75202. AT&T Inc. has been served and has filed an answer. Defendant AT&T Mobility LLC. (“AT&T Mobility”) is a corporation formed under the laws of the State of Delaware with its principal

place of business at 5565 Glenridge Connector, Suite 510, Atlanta, Georgia 30342. AT&T Mobility LLC may be served through its registered agent, C T Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. AT&T Inc. and AT&T Mobility LLC are collectively referred to as “AT&T.”

II. JURISDICTION AND VENUE

10. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Venue is proper in the Tyler Division of the Eastern District of Texas pursuant to 28 U.S.C. §1391(b), (c), and (d) and 28 U.S.C. § 1400(b) for the reasons set forth above and below. Plaintiff contends that the design, manufacture, marketing, sale, offer of sale, and/or use of the infringing products has occurred throughout the Eastern District of Texas. Thus, a substantial part of the events causing infringement and giving rise to this cause of action have occurred in this district. Venue is proper under 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b) because at least Defendants Intel, GameStop, Dell, Conn’s, AT&T, and Wal-Mart reside in this District and all Defendants have committed acts of infringement including but not limited to designing, manufacturing, using, selling, and/or offering for sale the infringing products throughout this District, as described below and throughout this Complaint. Furthermore, venue is proper because Defendants conduct business within this District and/or solicit and establish relationships with entities within this District, which include the making, using importation, sell, and/or offering for sale of Infringing Products as discussed below. Moreover, GameStop, Dell, Conn’s, AT&T, and Wal-Mart each maintains offices, headquarters, or retail locations within

this District where Infringing Products are designed, manufactured, used, and/or sold. Each act of Defendants' directly or indirectly infringing conduct in this District gives rise to proper venue.

12. This Court has personal jurisdiction over Intel. Personal jurisdiction exists generally over Intel because Intel has sufficient minimum contacts within the forum as a result of business conducted within the State of Texas and within this District. Intel has conducted and does conduct business within the State of Texas. At its facilities in Austin, Intel employs approximately 1,000 Texans and does extensive microprocessor research and development within the State of Texas. Plaintiff contends that some or all of these employees and this research and development relate to the patents-in-suit and the accused products described below. Intel, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises products containing semiconductors that infringe the patent claims involved in this action. Such conduct occurs in the United States, the State of Texas, and the Eastern District of Texas. Intel has purposefully and voluntarily placed one or more of its products into the stream of commerce with the expectation that it will be purchased by consumers in the United States, the State of Texas, and the Eastern District of Texas. The Infringing Products have been and continue to be imported into and purchased by consumers in the Eastern District of Texas. Intel has committed the tort of patent infringement within the United States, the State of Texas and, more particularly, within the Eastern District of Texas.

13. This Court has personal jurisdiction over Defendants GameStop, Dell, Conn's, AT&T, and Wal-Mart. Personal jurisdiction exists generally over GameStop, Dell, Conn's, AT&T, and Wal-Mart because they have sufficient minimum contacts within the forum as a result of business conducted within the State of Texas and within this District. Defendants GameStop, Dell, Conn's, and AT&T are citizens of the State of Texas. Defendants GameStop,

Dell, Conn's, AT&T, and Wal-Mart employ Texans and maintain facilities in Texas. Moreover, Defendants GameStop, Dell, Conn's, AT&T, and Wal-Mart employ Texans and maintain facilities in the Eastern District of Texas. Further, within this District, each of GameStop, Dell, Conn's, AT&T, and Wal-Mart directly, or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and/or advertises products containing semiconductors that infringe the patent claims involved in this action. Each of GameStop, Dell, Conn's, AT&T, and Wal-Mart has purposefully and voluntarily placed one or more of its products into the stream of commerce with the expectation that it will be purchased by consumers in the United States, the State of Texas, and the Eastern District of Texas. Such conduct has included, without limitation, advertising and selling Infringing Products directly to consumers in the Eastern District of Texas. The Infringing Products have been and continue to be imported into and purchased by consumers in the Eastern District of Texas. Each of GameStop, Dell, Conn's, AT&T, and Wal-Mart has committed the tort of patent infringement within the United States, the State of Texas and, more particularly, within the Eastern District of Texas.

14. All Defendants conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this district, the State of Texas, and elsewhere in the United States.

15. Upon information and belief, Dell has partnered with Intel to design, sell, and/or market the Infringing Products. Upon information and belief, Dell and Intel have partnered to create a series of workstation and desktop solutions, which include Infringing Products, to sell to their customers. Upon information and belief, Dell works in close partnership with Intel to deliver product-ready systems for distributed and compute-intensive environments. Upon

information and belief, Intel has specifically optimized the Infringing Products for Dell's products and services. Upon information and belief, Dell engineers, marketing, and/or other personnel coordinated with Intel employees to improve and sell the Infringing Products based on customer needs.

16. Upon information and belief, AT&T has partnered with Intel to design, sell, and/or market the Infringing Products. Upon information and belief, AT&T and Intel have joint research and development programs that seek to improve the functionality of the Infringing Products. Plaintiff contends that some or all of the conduct related to this joint venture has occurred in Texas and in the Eastern District of Texas.

17. Based on the foregoing conduct and actions, venue is proper, and the Court has personal jurisdiction over all Defendants Intel, GameStop, Dell, AT&T, Conn's, and Wal-Mart.

18. DSS maintains offices in the Eastern District of Texas, where employees are engaged in marketing and engineering efforts directed toward developing products based on the intellectual property, including but not limited, that at issue in this case.

III. GENERAL ALLEGATIONS

19. On October 12, 1999, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,965,924 ("the '924 Patent"), titled "Metal Plug Local Interconnect," to Ting P. Yen. A true and correct copy of the '924 Patent is attached hereto as Exhibit A.

20. On August 31, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,784,552 ("the '552 Patent"), titled "Structure Having Reduced Lateral Plug Erosion," to James E. Nulty and Christopher J. Petti. A true and correct copy of the '552 Patent is attached hereto as Exhibit B.

21. Plaintiff is the owner by assignment of the '924 Patent and the '552 Patent and owns all rights, title, and interest in and to the '924 Patent and the '552 Patent, including all rights to sue and recover for past and future infringement.

IV. **DEFENDANTS' INFRINGEMENT OF THE '924 PATENT**

22. Defendants have infringed and continue to infringe, directly, and/or through the inducement of others, the claimed methods of the '924 Patent by making, using, importing, exporting, selling, and/or offering for sale the Infringing Products.

23. Plaintiff has been damaged as a result of Defendants' infringing conduct. Defendants are, therefore, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendants' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

24. Defendants, directly or through intermediaries, are liable for infringing one or more claims of the '924 Patent.

25. Defendants have failed to obtain permission from DSS to make, use, offer to sell, sell, or import products embodying the claims in the '924 Patent.

A. Intel's Infringement of the '924 Patent

26. Intel has been and is now directly infringing the '924 Patent by making, using, selling, offering for sale, importing into the United States, and/or exporting the Infringing Products, or consumer products that contain Infringing Products, that either structurally embody one or more claims of the '924 Patent or are manufactured using the processes embodied in one or more claims of the '924 Patent. Intel also has been and now is inducing others, such as manufacturers and/or retailers of products incorporating Intel's infringing semiconductors, to directly infringe one or more claims of the '924 Patent by using, selling, offering for sale, or

importing products made by processes embodied in, or that otherwise embody, one or more claims of the '924 Patent.

27. Intel directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent by making, using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Intel has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, products such as the Intel Core i3, i5, i7, Pentium, Celeron, Atom, and Xeon microprocessors, all made via a 22 nanometer FinFET process (the "Infringing Products"). Intel's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Intel also infringes the '924 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Intel's infringement of the '924 Patent has caused substantial damage to DSS. Intel's infringing activities violate at least 35 U.S.C. § 271(a).

28. Intel directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. Intel's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers, businesses, distributors, resellers, sales representatives, to use, promote, market, distribute, and/or sell the Infringing Products. Plaintiff contends that Intel aided, instructed, or otherwise acted with the intent to cause acts by consumers, businesses, distributors, resellers, and sales representatives that would result in direct infringement of the

'924 Patent. At least as to the time of this filing, Intel knew of the '924 Patent, and Intel knows, or at least should know, that Intel's actions would result in infringement of the '924 Patent. By way of example only, Intel has induced infringement and continues to induce infringement of, in addition to other claims of, at least claim 1 of the '924 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, products such as the Intel Core i3, i5, i7, Pentium, Celeron, Atom, and Xeon microprocessors, all made via a 22 nanometer FinFET process. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. Intel's infringing activities violate 35 U.S.C. § 271(b).

29. Intel, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Intel will continue to infringe the '924 Patent.

B. GameStop's Infringement of the '924 Patent

30. GameStop directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, GameStop has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, and i7 microprocessors, which are featured in, for example, the Alienware Alpha and X series of computers. GameStop's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. GameStop also infringes the '924 Patent by selling and offering to sell the

Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. GameStop's infringement of the '924 Patent has caused substantial damage to DSS. GameStop's infringing activities violate at least 35 U.S.C. § 271(a).

31. GameStop directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. GameStop's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, GameStop aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, GameStop knew of the '924 Patent, and GameStop knows, or at least should know, that GameStop's actions would result in infringement of the '924 Patent. By way of example only, GameStop has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, and i7 microprocessors, which are featured in, for example, the Alienware Alpha and X series of computers. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. GameStop's infringing activities violate 35 U.S.C. § 271(b).

32. GameStop, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, GameStop will continue to infringe the '924 Patent.

C. Dell's Infringement of the '924 Patent

33. Dell directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Dell has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell's Inspiron Desktop 3000 Series and PowerEdge rack servers. Dell's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Dell also infringes the '924 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Dell's infringement of the '924 Patent has caused substantial damage to DSS. Dell's infringing activities violate at least 35 U.S.C. § 271(a).

34. Dell directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. Dell's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Dell aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, Dell knew of the '924 Patent, and Dell knows, or at least should know, that Dell's actions would result in infringement of the '924 Patent. By way of example only,

Dell has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Inspiron Desktop 3000 Series and PowerEdge rack servers. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. Dell's infringing activities violate 35 U.S.C. § 271(b).

35. Dell, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Dell will continue to infringe the '924 Patent.

36. Upon information and belief, Dell has partnered with Intel to design, sell, and/or market the Infringing Products. Upon information and belief, Dell and Intel have partnered to create a series of workstation and desktop solutions featuring Intel Core and Xeon processors to sell to their customers. Upon information and belief, Dell works in close partnership with Intel to deliver product-ready systems for distributed and compute-intensive environments. Upon information and belief, Intel has specifically optimized the Infringing Products for Dell's products and services. Upon information and belief, Dell engineers, marketing, and/or other personnel coordinated with Intel employees to improve and sell the Infringing Products based on customer needs.

D. Wal-Mart's Infringement of the '924 Patent

37. Wal-Mart directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent

by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Wal-Mart has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell Inspiron 3847 Desktop PCs. Wal-Mart's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Wal-Mart also infringes the '924 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Wal-Mart's infringement of the '924 Patent has caused substantial damage to DSS. Wal-Mart's infringing activities violate at least 35 U.S.C. § 271(a).

38. Wal-Mart directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. Wal-Mart's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Wal-Mart aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, Wal-Mart knew of the '924 Patent, and Wal-Mart knows, or at least should know, that Wal-Mart's actions would result in infringement of the '924 Patent. By way of example only, Wal-Mart has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as

the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell Inspiron 3847 Desktop PCs. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. Wal-Mart's infringing activities violate 35 U.S.C. § 271(b).

39. Wal-Mart, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Wal-Mart will continue to infringe the '924 Patent.

E. Conn's Infringement of the '924 Patent

40. Conn's directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Conn's has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, and Pentium microprocessors, which are featured in, for example, the HP Pavilion 15-n263nr Notebook PC. Conn's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Conn's also infringes the '924 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Conn's infringement of the '924 Patent has caused substantial damage to DSS. Conn's infringing activities violate at least 35 U.S.C. § 271(a).

41. Conn's directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. Conn's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Conn's aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, Conn's knew of the '924 Patent, and Conn's knows, or at least should know, that Conn's actions would result in infringement of the '924 Patent. By way of example only, Conn's has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, and Pentium microprocessors, which are featured in, for example, the HP Pavilion 15-n263nr Notebook PC. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. Conn's infringing activities violate 35 U.S.C. § 271(b).

42. Conn's, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Conn's will continue to infringe the '924 Patent.

F. AT&T's Infringement of the '924 Patent

43. AT&T directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '924 Patent by

using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, AT&T has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Atom microprocessors, which are featured in, for example, the ASUS MeMO Pad 7 LTE. AT&T's infringing activities include importing, offering for sale, and selling the Infringing Products in the United States. AT&T also infringes the '924 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. AT&T's infringement of the '924 Patent has caused substantial damage to DSS. AT&T's infringing activities violate at least 35 U.S.C. § 271(a).

44. AT&T directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '924 Patent. AT&T's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. AT&T aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, AT&T knew of the '924 Patent, and AT&T knows, or at least should know, that AT&T actions would result in infringement of the '924 Patent. By way of example only, AT&T has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Atom microprocessors, which are featured in, for example, the ASUS MeMO Pad 7 LTE. These actions, individually and

collectively, have induced and continue to induce the direct infringement of the '924 Patent by consumers, businesses, distributors, resellers, and sales representatives. AT&T's infringing activities violate 35 U.S.C. § 271(b).

45. AT&T, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, AT&T will continue to infringe the '924 Patent.

V. DEFENDANT'S INFRINGEMENT OF THE '552 PATENT

46. Defendants have infringed and continue to infringe, directly, and/or through the inducement of others, the claimed apparatus of the '552 Patent by making, using, importing, exporting, selling, and/or offering for sale the Infringing Products.

47. Plaintiff has been damaged as a result of Defendants' infringing conduct. Defendants are, therefore, liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendants' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

48. Defendants, directly or through intermediaries, are liable for infringing one or more claims of the '552 Patent.

49. Defendants have failed to obtain permission from DSS to make, use, offer to sell, sell, or import products embodying the claims in the '552 Patent.

A. Intel's Infringement of the '552 Patent

50. Intel has been and is now directly infringing the '552 Patent by making, using, selling, offering for sale, importing into the United States, and/or exporting the Infringing Products, or consumer products that contain Infringing Products, that either structurally embody one or more claims of the '552 Patent or are manufactured using the processes embodied in one

or more claims of the '552 Patent. Intel also has been and now is inducing others, such as manufacturers and/or retailers of products incorporating Intel's infringing semiconductors, to directly infringe one or more claims of the '552 Patent by using, selling, offering for sale, and/or importing products made by processes embodied in, or that otherwise embody, one or more claims of the '552 Patent.

51. Intel directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by making, using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Intel has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, products such as the Intel Core i3, i5, i7, Pentium, Celeron, Atom and Xeon microprocessors, all made via a 22 nanometer FinFET process (the "Infringing Products"). Intel's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Intel also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Intel's infringement of the '552 Patent has caused substantial damage to DSS. Intel's infringing activities violate at least 35 U.S.C. § 271(a).

52. Intel directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. Intel's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers, businesses, distributors, resellers, sales representatives, to use,

promote, market, distribute, and/or sell the Infringing Products. Plaintiff contends that Intel aided, instructed, or otherwise acted with the intent to cause acts by consumers, businesses, distributors, resellers, and sales representatives that would result in direct infringement of the '552 Patent. At least as to the time of this filing, Intel knew of the '552 Patent, and Intel knows, or at least should know, that Intel's actions would result in infringement of the '552 Patent. By way of example only, Intel has induced infringement and continues to induce infringement of, in addition to other claims of, at least claim 1 of the '552 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, products such as the Intel Core i3, i5, i7, Pentium, Celeron, Atom, and Xeon microprocessors, all made via a 22 nanometer FinFET process. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. Intel's infringing activities violate 35 U.S.C. § 271(b).

53. Intel, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Intel will continue to infringe the '552 Patent.

B. GameStop's Infringement of the '552 Patent

54. GameStop directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, GameStop has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, and i7 microprocessors, which

are featured in, for example, the Alienware Alpha and X series of computers. GameStop's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. GameStop also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. GameStop's infringement of the '552 Patent has caused substantial damage to DSS. GameStop's infringing activities violate at least 35 U.S.C. § 271(a).

55. GameStop directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. GameStop's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, GameStop aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '924 Patent. At least as to the time of this filing, GameStop knew of the '552 Patent, and GameStop knows, or at least should know, that GameStop's actions would result in infringement of the '552 Patent. By way of example only, GameStop has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '552 Patent by making, using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, and i7 microprocessors, which are featured in, for example, the Alienware Alpha and X series of computers. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. GameStop's infringing activities violate 35 U.S.C. § 271(b).

56. GameStop, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, GameStop will continue to infringe the '552 Patent.

C. Dell's Infringement of the '552 Patent

57. Dell directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Dell has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell's Inspiron Desktop 3000 Series and PowerEdge rack servers. Dell's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Dell also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Dell's infringement of the '552 Patent has caused substantial damage to DSS. Dell's infringing activities violate at least 35 U.S.C. § 271(a).

58. Dell directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. Dell's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Dell aided, instructed, or otherwise acted with the intent to

cause acts by consumers that would result in direct infringement of the '552 Patent. At least as to the time of this filing, Dell knew of the '552 Patent, and Dell knows, or at least should know, that Dell's actions would result in infringement of the '552 Patent. By way of example only, Dell has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '924 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Inspiron Desktop 3000 Series and PowerEdge rack servers. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. Dell's infringing activities violate 35 U.S.C. § 271(b).

59. Dell, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Dell will continue to infringe the '552 Patent.

60. Upon information and belief, Dell has partnered with Intel to design, sell, and/or market the Infringing Products. Upon information and belief, Dell and Intel have partnered to create a series of workstation and desktop solutions featuring Intel Core and Xeon processors to sell to their customers. Upon information and belief, Dell works in close partnership with Intel to deliver product-ready systems for distributed and compute-intensive environments. Upon information and belief, Intel has specifically optimized the Infringing Products for Dell's products and services. Upon information and belief, Dell engineers, marketing, and/or other personnel coordinated with Intel employees to improve and sell the Infringing Products based on customer needs.

D. Wal-Mart's Infringement of the '552 Patent

61. Wal-Mart directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Wal-Mart has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell Inspiron 3847 Desktop PCs. Wal-Mart's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Wal-Mart also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. Wal-Mart's infringement of the '924 Patent has caused substantial damage to DSS. Wal-Mart's infringing activities violate at least 35 U.S.C. § 271(a).

62. Wal-Mart directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. Wal-Mart's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Wal-Mart aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '552 Patent. At least as to the time of this filing, Wal-Mart knew of the '552 Patent, and Wal-Mart knows, or at least should know, that Wal-Mart's actions would result in infringement of the '552

Patent. By way of example only, Wal-Mart has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, Pentium, and Xeon microprocessors, which are featured in, for example, the Dell Inspiron 3847 Desktop PCs. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. Wal-Mart's infringing activities violate 35 U.S.C. § 271(b).

63. Wal-Mart, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Wal-Mart will continue to infringe the '552 Patent.

E. Conn's Infringement of the '552 Patent

64. Conn's directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, Conn's has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, and Pentium microprocessors, which are featured in, for example, the HP Pavilion 15-n263nr Notebook PC. Conn's infringing activities include importing, offering for sale, and/or selling the Infringing Products in the United States. Conn's also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to

consumers, businesses, distributors, and resellers. Conn's infringement of the '552 Patent has caused substantial damage to DSS. Conn's infringing activities violate at least 35 U.S.C. § 271(a).

65. Conn's directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. Conn's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. On information and belief, Conn's aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '552 Patent. At least as to the time of this filing, Conn's knew of the '552 Patent, and Conn's knows, or at least should know, that Conn's actions would result in infringement of the '552 Patent. By way of example only, Conn's has induced infringement and continues to induce infringement of, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Core i3, i5, i7, Celeron, and Pentium microprocessors, which are featured in, for example, the HP Pavilion 15-n263nr Notebook PC. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. Conn's infringing activities violate 35 U.S.C. § 271(b).

66. Conn's, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, Conn's will continue to infringe the '552 Patent.

F. AT&T's Infringement of the '552 Patent

67. AT&T directly or through intermediaries has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '552 Patent by using, making available for another's use, offering to license or licensing in the United States, selling or offering to sell, and/or importing the Infringing Products. By way of example only, AT&T has directly infringed and continues to infringe, in addition to other claims, at least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Atom microprocessors, which are featured in, for example, the ASUS MeMO Pad 7 LTE. AT&T's infringing activities include importing, offering for sale, and selling the Infringing Products in the United States. AT&T also infringes the '552 Patent by selling and offering to sell the Infringing Products directly and via sales representatives, distributors, and resellers to consumers, businesses, distributors, and resellers. AT&T's infringement of the '552 Patent has caused substantial damage to DSS. AT&T's infringing activities violate at least 35 U.S.C. § 271(a).

68. AT&T directly or through intermediaries has and continues to induce infringement (literally and/or under the doctrine of equivalents) of one or more claims of the '552 Patent. AT&T's deliberate actions include, but are not limited to, actively marketing to, encouraging use by, and instructing consumers to use, promote, market, distribute, and/or sell the Infringing Products. AT&T aided, instructed, or otherwise acted with the intent to cause acts by consumers that would result in direct infringement of the '552 Patent. At least as to the time of this filing, AT&T knew of the '552 Patent, and AT&T knows, or at least should know, that AT&T actions would result in infringement of the '552 Patent. By way of example only, AT&T has induced infringement and continues to induce infringement of, in addition to other claims, at

least claim 1 of the '552 Patent by using, selling, and/or offering to sell in the United States, without DSS's authority, Infringing Products, such as the Intel Atom microprocessors, which are featured in, for example, the ASUS MeMO Pad 7 LTE. These actions, individually and collectively, have induced and continue to induce the direct infringement of the '552 Patent by consumers, businesses, distributors, resellers, and sales representatives. AT&T's infringing activities violate 35 U.S.C. § 271(b).

69. AT&T, unless restrained and enjoined, will continue to cause, irreparable injury and damages to Plaintiff for which there is no adequate remedy at law. Unless enjoined by this Court, AT&T will continue to infringe the '552 Patent.

VI. DEMAND FOR A JURY TRIAL

70. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable of right by a jury.

VII. PRAYER FOR RELIEF

71. WHEREFORE, Plaintiff requests the following relief:

72. A judgment that Defendants have directly infringed the patent-in-suit and/or induced the infringement of the patent-in-suit;

73. A preliminary and permanent injunction preventing Defendants and their officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from directly infringing, and/or inducing the infringement of the patent-in-suit;

74. A ruling that this case be found to be exceptional under 35 U.S.C. § 285, and a judgment awarding to Plaintiff its attorneys' fees incurred in prosecuting this action;

75. A judgment and order requiring Defendants to pay Plaintiffs damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and enhanced damages for willful infringement as provided by 35 U.S.C. § 284;

76. A judgment and order requiring Defendants to pay Plaintiff the costs of this action (including all disbursements);

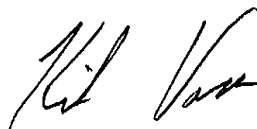
77. A judgment and order requiring Defendants to pay Plaintiff's pre-judgment and post-judgment interest on the damages award;

78. A judgment and order requiring that in the event a permanent injunction preventing future acts of infringement is not granted, that Plaintiff be awarded a compulsory ongoing licensing fee; and

79. Such other and further relief as the Court may deem just and proper.

Dated: August 20, 2015

Respectfully submitted,



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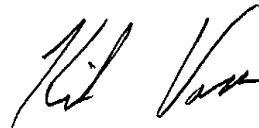
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**ATTORNEYS FOR PLAINTIFF DSS
TECHNOLOGY MANAGEMENT INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been delivered to all counsel of record via the Court's CM/ECF system on this 20th day of August, 2015.



KIRK VOSS