

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LONGHORN HD LLC.,	§	
	§	
Plaintiff,	§	Case No.
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
HITACHI, LTD. and	§	
HITACHI VANTARA CORPORATION,	§	
	§	
Defendants.	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Longhorn HD LLC. (“LHD” or “Plaintiff”), for its Complaint against Defendants Hitachi, Ltd. and Hitachi Vantara Corporation (collectively, “Hitachi” or “Defendants”) alleges as follows:

**THE PARTIES**

1. LHD is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 102 E. Crockett Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant Hitachi, Ltd. is a Japanese corporation organized and existing under the laws of Japan, with its principal place of business located at 6-6, Marunouchi 1-chome, Chiyoda-ku, Tokyo, 100-8280, Japan, and may be served pursuant to the provisions of the Hague Convention. Upon information and belief, Defendant Hitachi Vantara Corporation is a Delaware corporation. Upon information and belief, Hitachi Vantara Corporation has a regular and established place of business in Colin County, Texas at 18111 Preston Road, #400, Dallas, Texas 75252. Hitachi is a leading manufacturer and seller of

computers and server equipment throughout the world and in the United States. Upon information and belief, Hitachi, Ltd. does business in Texas and in the Eastern District of Texas, directly or through intermediaries.

### **JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendants. Defendants regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 and 1400(b) because, among other things, Defendant Hitachi, Ltd. is a defendant not resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3). Upon information and belief, Defendant Hitachi Vantara Corporation maintains a regular and established place of business at 18111 Preston Road, # 400, Dallas, Texas 75252, in Collin County, Texas within this Judicial District. Upon information and belief, Defendant Hitachi Vantara Corporation has committed the acts of infringement alleged herein in this Judicial District.

6. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to their substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting

business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

**PATENTS-IN-SUIT**

7. On April 15, 2003, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,549,400 (the “’400 Patent”) entitled “Method and System for Quickly Connecting a 1U Personal Computer.” A true and correct copy of the ’400 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06549400>.

8. On March 24, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,711,012 (the “’012 Patent”) entitled “Method and System for Quickly Connecting a 1U Personal Computer.” A true and correct copy of the ’012 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06711012>.

9. On August 30, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,937,104 (the “’104 Patent”) entitled “Removable Hard Drive Assembly, Computer with a Removable Hard Disk Drive, Method of Initializing and Operating a Removable Hard Drive.” A true and correct copy of the ’104 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06938104>.

10. LHD is the sole and exclusive owner of all right, title, and interest in the ’400 Patent, the ’012 Patent, and the ’104 Patent (collectively, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. LHD also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

11. LHD has at all times complied with the marking provisions of 35 U.S.C. § 287

with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

### **FACTUAL ALLEGATIONS**

12. The Patents-in-Suit generally cover systems and methods for use in computer and server storage and structure.

13. The '400, and '012, Patents generally relate to novel structures for connecting 1U computers. The technology described in the '400, and '012 Patents was developed by David T. Medin, Scott Kayser, Robert D. Hinds, and Curtis R. Nelson at Crystal Group Inc. Upon information and belief, Crystal Group made ruggedized servers for military and maritime use. For example, the technology is implemented by infringing servers that utilize blind mateable configurations. Upon information and belief, Hitachi makes, uses, sells, and/or imports infringing servers, such as the Hitachi NAS Platform and the Hitachi BladeSymphony system. Upon information and belief, these infringing Hitachi server products further include management modules that provide remote management capabilities.

14. The '104 Patent generally relates to hot-swappable ATA hard disk drives. The technology described in the '104 Patent was developed by Itzik Levy at Arco Computer Products, Inc. For example, the technology is implemented by infringing servers that utilize hot-swappable hard disk drives and solid state drives. Upon information and belief, Hitachi makes, uses, sells, and/or imports infringing servers, such as the Hitachi NAS Platform and the Hitachi BladeSymphony servers. Upon information and belief, these infringing Hitachi server products further include hot-swappable hard drive modules that are configured with a Redundant Array of Multiple Disks ("RAID").

15. Hitachi has also infringed and is continuing to infringe the Patents-in-Suit by

making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or import, products including servers that utilize 1U mateable servers and/or hot-swappable drive technology and associated software that infringes the Patents-in-Suit. Such Hitachi products include at least the Hitachi NAS Platform and the Hitachi BladeSymphony system.

**COUNT I**  
**(Infringement of the '400 Patent)**

16. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

17. LHD has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '400 Patent.

18. Defendants have and continue to directly infringe the '400 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '400 Patent. Such products include servers, such as “blade” servers and other industrial personal computers. On information and belief, infringing products include at least the Hitachi NAS Platform and the Hitachi BladeSymphony system.

19. For example, Defendants have and continue to directly infringe at least Claim 1 of the '400 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include a system of 1U industrial computers. The infringing systems include one or more 1U industrial personal computers such as, for example, individual blades of the NAS Platform and BladeSymphony system. The NAS Platform and BladeSymphony system can be configured with multiple blades and is therefore a rack for containing a plurality of 1U industrial personal computers. Further, the individual blades are 1U industrial personal computer having a

blind mateable PC connector thereon which mates to a blind mateable connector assembly coupled to the rack, i.e. the chassis of the NAS Platform and BladeSymphony systems. Furthermore, the NAS Platform and BladeSymphony servers are remotely monitored industrial PCs because Hitachi provides hardware and software for remotely monitoring Hitachi servers.

20. Defendants have and continue to indirectly infringe one or more claims of the '400 Patent by knowingly and intentionally inducing others, including Hitachi customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as blind mateable blade servers and enclosures.

21. Defendants, with knowledge that these products, or the use thereof, infringe the '400 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '400 Patent by providing these products to end users for use in an infringing manner.

22. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '400 Patent, but while remaining willfully blind to the infringement.

23. LHD has suffered damages as a result of Defendants' direct and indirect infringement of the '400 Patent in an amount to be proved at trial.

24. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '400 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

**COUNT IV**  
**(Infringement of the '012 Patent)**

25. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

26. LHD has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '012 Patent.

27. Defendants have and continue to directly infringe the '012 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '012 Patent. Such products include servers, such as “blade” servers, and other industrial personal computers. On information and belief, infringing products include at least the Hitachi NAS Platform and the Hitachi BladeSymphony system.

28. For example, Defendants have and continue to directly infringe at least Claim 1 of the '012 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include a system of 1U industrial computers. The infringing systems include one or more 1U industrial personal computers such as, for example, the Hitachi NAS Platform and the Hitachi BladeSymphony system. The Hitachi NAS Platform and the Hitachi BladeSymphony system can be configured with multiple blades and include racks for containing a plurality of 1U industrial personal computers. Further, the Hitachi NAS Platform and the Hitachi BladeSymphony system include blades that are 1U industrial personal computers having a blind mateable PC connector thereon which mates to a blind mateable connector assembly coupled to the rack, i.e. the chassis of the Hitachi NAS Platform and BladeSymphony system. Furthermore, the individual blades are industrial personal computers disposed in one of the plurality of slots within the Hitachi NAS Platform and Hitachi BladeSymphony system.

29. Defendants have and continue to indirectly infringe one or more claims of the '012 Patent by knowingly and intentionally inducing others, including Hitachi customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology such as blind mateable blade servers and enclosures.

30. Defendants, with knowledge that these products, or the use thereof, infringe the '012 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '012 Patent by providing these products to end users for use in an infringing manner.

31. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '012 Patent, but while remaining willfully blind to the infringement.

32. LHD has suffered damages as a result of Defendants' direct and indirect infringement of the '012 Patent in an amount to be proved at trial.

33. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '012 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

**COUNT V**  
**(Infringement of the '104 Patent)**

34. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

35. LHD has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '104 Patent.

36. Defendants have and continue to directly infringe the '104 Patent, either literally

or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '104 Patent. Such products include servers that include hot-swappable ATA hard drive assemblies. On information and belief, infringing products include at least the Hitachi NAS Platform and the Hitachi BladeSymphony system.

37. For example, Defendants have and continue to directly infringe at least Claim 9 of the '104 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include servers with hot-swappable hard drive assemblies. The infringing systems are computer devices that include computer systems formed with at least one standard drive bay and including a power supply and a drive controller conforming to the ATA standard, such as, for example, a serial ATA ("SATA") controller. The infringing servers also include a drive assembly fixedly mounted in said drive bay and connected to said power supply and to said drive controller, with said drive assembly having an opening formed therein. The infringing systems further include at least one removable cartridge having a hard drive device and being dimensioned for insertion into said opening formed in said drive assembly. The infringing systems further include a printed circuit board electronically connected between said hard drive device and said drive controller of the system host, said printed circuit board being programmed to modify an identification of the hard drive device and to said system host that said hard drive is a removable drive. For example, on information and belief, the infringing servers include a printed circuit board that includes RAID components.

38. Defendants have and continue to indirectly infringe one or more claims of the '104 Patent by knowingly and intentionally inducing others, including Hitachi customers and

end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as servers with hot-swappable hard drives.

39. Defendants, with knowledge that these products, or the use thereof, infringe the '104 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '104 Patent by providing these products to end users for use in an infringing manner.

40. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '104 Patent, but while remaining willfully blind to the infringement.

41. LHD has suffered damages as a result of Defendants' direct and indirect infringement of the '104 Patent in an amount to be proved at trial.

42. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '104 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, LHD prays for relief against Defendants as follows:

- a. Entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their

officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the Patents-in-Suit;

c. An order awarding damages sufficient to compensate LHD for Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;

d. Entry of judgment declaring that this case is exceptional and awarding LHD its costs and reasonable attorney fees under 35 U.S.C. § 285; and

e. Such other and further relief as the Court deems just and proper.

Dated: May 24, 2018

Respectfully submitted,

/s/ Alfred R. Fabricant

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