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

LONGHORN HD LLC.,	§	
	§	Case No.
Plaintiff,	§	
	§	**JURY TRIAL DEMANDED**
v.	§	
	§	
MITAC COMPUTING TECHNOLOGY CORPORATION,	§	
	§	
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Longhorn HD LLC. ("LHD" or "Plaintiff"), for its Complaint against Defendant MiTAC Computing Technology Corporation ("MiTAC" or "Defendant") 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 MiTAC Computing Technology Corporation is organized and existing under the laws of Taiwan, with its principal place of business located at No. 200, Wen Hwa 2nd Road, Kuei Shan District, Taoyuan City 33383, Taiwan (R.O.C.). MiTAC is a leading manufacturer and seller of computers and server equipment throughout the world and in the United States. Upon information and belief, MiTAC operates the Tyan business unit and does business in the United States as Tyan Computer Corporation. Upon information and belief, MiTAC does business in Texas and in the Eastern

District of Texas directly or through intermediaries including, but not limited to, Tyan Computer Corporation.

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 Defendant. Defendant 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 because, among other things, Defendant 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).

6. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its 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. MiTAC has 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 hardware and software that infringes the Patents-in-Suit. Upon information and belief, MiTAC makes, uses, sells, and/or imports infringing servers such as the Tyan Thunder SX, HX, CX, RX, and EX lines and associated hardware and software (the "Accused Products").

14. 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 makes ruggedized servers for military and maritime use. For example, the technology of the '400 and '012 Patents is implemented by infringing servers that utilize blind-mateable configurations, such as the Accused Products. Upon information and belief, MiTAC also offers remote management modules and solutions for use with the Accused Products. Upon information and belief, MiTAC makes, uses, sells, and/or imports infringing servers such as the Accused Products.

15. 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, MiTAC makes, uses, sells, and/or imports infringing servers, such as the Accused Products, that are compatible with and/or include one or more hot-swappable hard drive modules that are configured with a Redundant Array of Multiple Disks ("RAID"). On information and belief, the Accused Products are compatible with and/or include one or more ATA-compatible RAID controllers, such as the

Tyan M7076-3108-8i and M7076-3008-8i controllers.

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 Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '400 Patent.

18. Defendant has and continues 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 the Accused Products, that are modular servers and other industrial personal computers. On information and belief, infringing products include at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW.

19. For example, Defendant has and continues 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 modules of the Accused Products including at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW. The Accused Products can be configured with multiple modules and are therefore each a rack for containing a plurality of 1U industrial personal computers. Further, the individual modules 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 at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW. Furthermore, the Accused Products

are remotely monitored industrial PCs because MiTAC provides hardware and software for remotely monitoring MiTAC servers.

20. Defendant has and continues to indirectly infringe one or more claims of the ’400 Patent by knowingly and intentionally inducing others, including MiTAC 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 servers and enclosures.

21. Defendant, 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 continues 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. Defendant 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 Defendant’s 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 Defendant’s infringement of the ’400 Patent for which there is no adequate remedy at law, unless Defendant’s infringement is enjoined by this Court.

COUNT II
(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 Defendant to make, use, offer for

sale, sell, or import any products that embody the inventions of the ’012 Patent.

27. Defendant has and continues 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 the Accused Products that are modular servers and other industrial personal computers. On information and belief, infringing products include at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW.

28. For example, Defendant has and continues 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. Individual modules of the Accused Products including at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW. The Accused Products can be configured with multiple modules and are therefore each a rack for containing a plurality of 1U industrial personal computers. Further, the Accused Products include modules 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 at least the Tyan Thunder CX TN200-B7108-X4S, Thunder CX TN200-B7108-X4L, and YR292B5538-BDW. Furthermore, the individual modules are industrial personal computers disposed in one of the plurality of slots within the chassis of the Accused Products.

29. Defendant has and continues to indirectly infringe one or more claims of the ’012 Patent by knowingly and intentionally inducing others, including MiTAC 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 modular servers and enclosures.

30. Defendant, 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 continues 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. Defendant 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 Defendant’s 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 Defendant’s infringement of the ’012 Patent, for which there is no adequate remedy at law, unless Defendant’s infringement is enjoined by this Court.

COUNT III
(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 Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the ’104 Patent.

36. Defendant has and continues 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 Accused Products.

37. For example, Defendant has and continues 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 including, but not limited to, the SATA compatible Tyan M7076-3108-8i and M7076-3008-8i RAID controllers.

38. Defendant has and continues to indirectly infringe one or more claims of the '104 Patent by knowingly and intentionally inducing others, including MiTAC 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. Defendant, 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 continues 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. Defendant 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 Defendant's 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 Defendant's infringement of the '104 Patent for which there is no adequate remedy at law, unless Defendant's 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 Defendant as follows:

a. Entry of judgment declaring that Defendant has 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 Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patents-in-Suit;

c. An order awarding damages sufficient to compensate LHD for Defendant's

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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