

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

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

HUAWEI TECHNOLOGIES, CO.,  
LTD., HUAWEI TECHNOLOGIES USA, INC.,

Defendants.

C.A. No. 6:18-cv-00182-RWS-JDL

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Realtime Data LLC d/b/a IXO (“Plaintiff,” “Realtime,” or “IXO”) makes the following allegations against Defendants Huawei Technologies, Co., Ltd., and Huawei Technologies USA, Inc. (collectively “Huawei” or “Defendants”):

**PARTIES**

1. Realtime is a limited liability company organized under the laws of the State of New York. Realtime has places of business at 5851 Legacy Circle, Plano, Texas 75024, 1828 E.S.E. Loop 323, Tyler, Texas 75701, and 66 Palmer Avenue, Suite 27, Bronxville, NY 10708. Since the 1990s, Realtime has researched and developed specific solutions for data compression, including, for example, those that increase the speeds at which data can be stored and accessed. As recognition of its innovations rooted in this technological field, Realtime holds 50 United States patents and has numerous pending patent applications. Realtime has licensed patents in this portfolio to many of the world’s leading technology companies. The patents-in-suit relate to Realtime’s development of advanced systems and

methods for fast and efficient data compression using numerous innovative compression techniques based on, for example, particular attributes of the data.

2. On information and belief, Defendant Huawei Technologies, Co., Ltd. is a Chinese corporation with its principal place of business in Shenzhen, China. Defendant Huawei Technologies, Co., Ltd. does business in Texas and in this District, by, e.g., manufacturing and selling goods (including those accused herein) in this District.

3. On information and belief, Defendant Huawei Technologies USA, Inc. is a Texas corporation with its principal place of business at 5700 Tennyson Parkway, Plano, Texas 75024.

4. On information and belief, all two defendants are wholly-owned subsidiaries of Huawei Investment & Holding Co., Ltd.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant Huawei in this action because Huawei has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Huawei would not offend traditional notions of fair play and substantial justice. Huawei, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

7. Venue is proper in this district under 28 U.S.C. § 1400(b). For example, Huawei has transacted business in this District, and has committed acts of direct and indirect infringement in this District, and has a regular and established place of business in this District, e.g., its principal place of business in Plano, Texas.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 9,054,728**

8. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

9. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,054,728 (“the ’728 Patent”) entitled “Data compression systems and methods.” The ’728 Patent was duly and legally issued by the United States Patent and Trademark Office on June 9, 2015. A true and correct copy of the ’728 Patent is included as Exhibit A.

10. On information and belief, Huawei has offered for sale, sold and/or imported into the United States Huawei products and services that infringe the ’728 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Huawei’s products and services, e.g., Huawei, OceanStor Dorado V3, OceanStor 2000, 5000, and 6000 V3 Series, OceanStor Backup Software, and other Cloud and Enterprise Storage products, and all versions and variations thereof since the issuance of the ’728 Patent (“Accused Instrumentalities”).

11. On information and belief, Huawei has directly infringed and continues to infringe the ’728 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute systems for compressing data claimed by Claim 1 of the ’728 Patent, comprising: a processor; one or more content dependent data

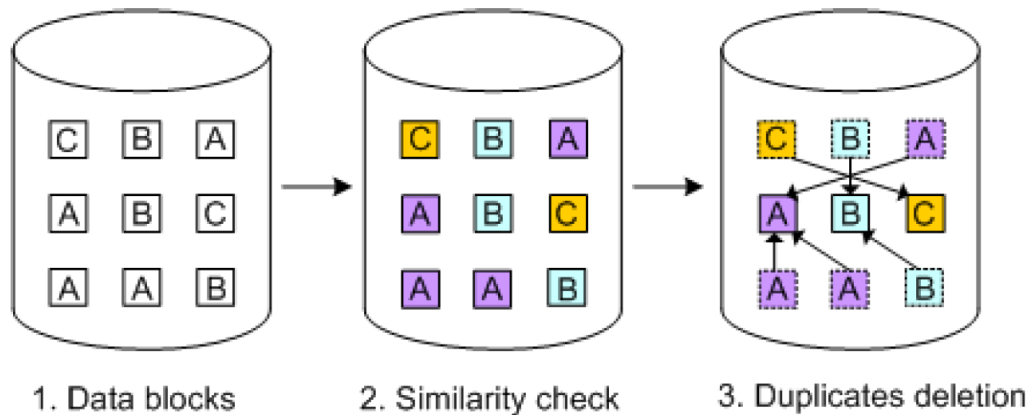
compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Upon information and belief, Huawei uses the Accused Instrumentalities, which are infringing systems, for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Huawei's customers.

12. On information and belief, Huawei has had knowledge of the '728 Patent since at least the filing of the original Complaint in this action, or shortly thereafter, and on information and belief, Huawei knew of the '728 Patent and knew of its infringement, including by way of this lawsuit.

13. Huawei's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary way on compatible systems to infringe Claim 1 of the '728 Patent, knowing that when the Accused Instrumentalities are used in their ordinary and customary manner with such compatible systems, such systems constitute infringing systems for compressing data

comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. For example, Huawei explains to customers the benefits of using the Accused Instrumentalities, such as by touting their performance advantages: “Deduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.

Huawei also induces its customers to use the Accused Instrumentalities to infringe other claims of the '728 Patent. Huawei specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '728 Patent. Huawei performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '728 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Huawei engaged in such inducement to promote the sales of the Accused Instrumentalities, e.g., through Huawei's user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '728 Patent. Accordingly, Huawei has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '728 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '728 Patent.

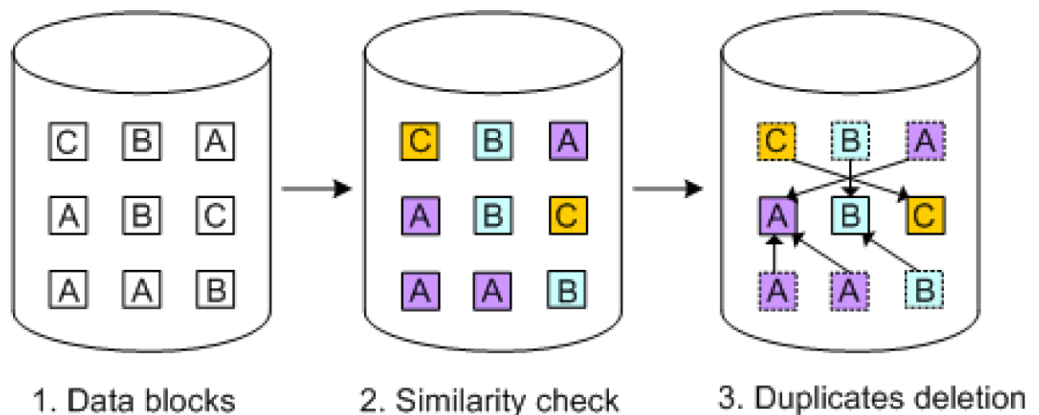
14. Huawei also indirectly infringes the '728 Patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '728 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality is designed to function with compatible hardware to create systems for compressing data comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Because the Accused Instrumentality is designed to operate as the claimed system for compressing input data, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Huawei's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '728 Patent.

15. The Accused Instrumentalities include a system for compressing data, comprising a processor. For example, OceanStor 2000, 5000, and 6000 V3 Series

controller includes a “[T]he core module that processes services in a storage system. It contains physical components such as system-level CPUs and memory.” *See* OceanStor 2000, 5000, and 6000 V3 SystemReporter User Guide at page 335.

16. The Accused Instrumentalities include a system for compressing data, comprising one or more content dependent data compression encoders. For example, the Accused Instrumentalities perform block-level deduplication, which is a content dependent data compression encoder: “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

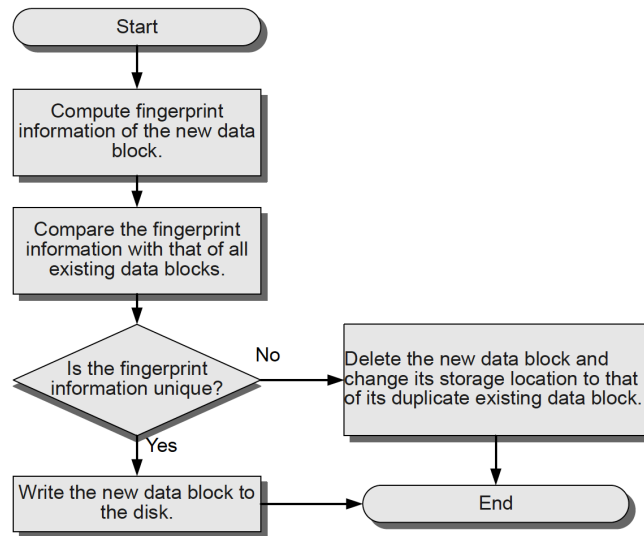


*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Performing deduplication results in compression by representing data with fewer bits.



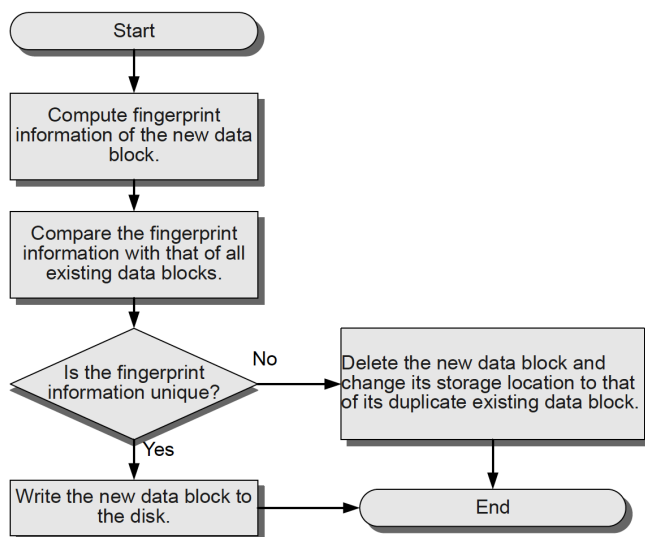
17. The Accused Instrumentalities comprise a single data compression encoder. For example, Huawei states that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10.

18. The Accused Instrumentalities analyze data within a data block to identify one or more parameters or attributes of the data, for example, whether the data is duplicative of data previously transmitted and/or stored, where the analysis does not rely only on the descriptor. For example, the Accused Instrumentalities implement “the hash algorithm to compute fingerprint information about new data blocks. In fixed-length deduplication, the division granularity of data blocks is the same as file system block size, and data blocks of the same size are deduplicated each time. The storage system checks if the fingerprint information of the new data blocks is the same as that of any existing data blocks. If yes, the storage system considers the new data blocks as duplicates, deletes them, and points the storage locations of the new data blocks to those of the existing data blocks. If no, the storage system directly writes the new data blocks.” *See e.g.*, OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

**Figure 1-1** Deduplication process

See e.g., OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

19. The Accused Instrumentalities perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified. For example, the Accused Instrumentalities implement “the hash algorithm to compute fingerprint information about new data blocks. In fixed-length deduplication, the division granularity of data blocks is the same as file system block size, and data blocks of the same size are deduplicated each time. The storage system checks if the fingerprint information of the new data blocks is the same as that of any existing data blocks. If yes, the storage system considers the new data blocks as duplicates, deletes them, and points the storage locations of the new data blocks to those of the existing data blocks. If no, the storage system directly writes the new data blocks.” See e.g., OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

**Figure 1-1** Deduplication process

See e.g., OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

20. The Accused Instrumentalities perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. For example, Huawei states that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” See e.g., Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10.

21. Huawei also infringes other claims of the ’728 Patent, directly and through inducing infringement and contributory infringement.

22. On information and belief, use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the methods claimed by the ’728 Patent.

23. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused

Instrumentalities' compression features, Huawei has injured Realtime and is liable to Realtime for infringement of the '728 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Huawei's infringement of the '728 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Huawei's infringement, but in no event less than a reasonable royalty for the use made of the invention by Huawei, together with interest and costs as fixed by the Court.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 9,667,751**

25. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

26. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,667,751 ("the '751 Patent") entitled "Data feed acceleration." The '751 Patent was duly and legally issued by the United States Patent and Trademark Office on May 30, 2017. A true and correct copy of the '751 Patent is included as Exhibit B.

27. On information and belief, Huawei has offered for sale, sold and/or imported into the United States Huawei products and services that infringe the '751 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Huawei's products and services, *e.g.*, Huawei, OceanStor Dorado V3, OceanStor 2000, 5000, and 6000 V3 Series, OceanStor Backup Software, and other Cloud and Enterprise Storage products, and all versions and variations thereof since the issuance of the '751 Patent ("Accused Instrumentalities").

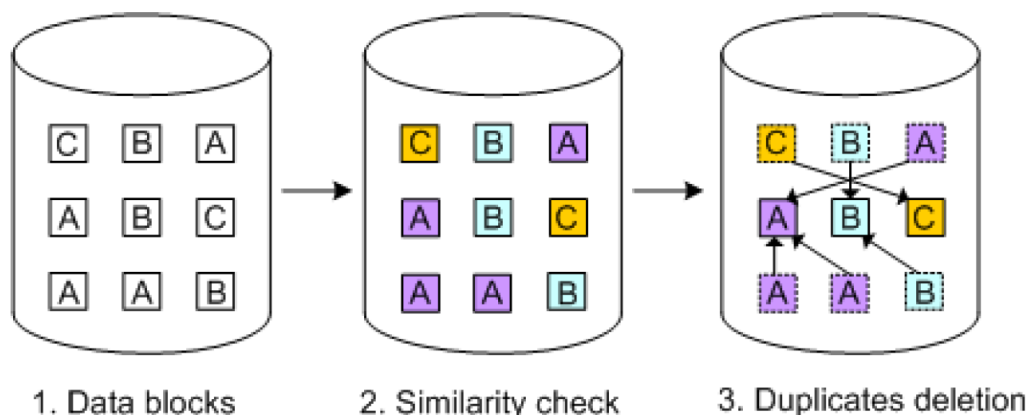
28. On information and belief, Huawei has directly infringed and continues to infringe the '751 Patent, for example, through its own use and testing of the Accused Instrumentalities, which in the ordinary course of their operation form a system for

compressing data claimed by Claim 25 of the '751 Patent, including: a data server implemented on one or more processors and one or more memory systems; the data server configured to analyze content of a data block to identify a parameter, attribute, or value of the data block that excludes analysis based solely on reading a descriptor; the data server configured to select an encoder associated with the identified parameter, attribute, or value; the data server configured to compress data in the data block with the selected encoder to produce a compressed data block, wherein the compression utilizes a state machine; and the data server configured to store the compressed data block; wherein the time of the compressing the data block and the storing the compressed data block is less than the time of storing the data block in uncompressed form. Upon information and belief, Huawei uses the Accused Instrumentalities, which are infringing systems, for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Huawei's customers.

29. On information and belief, Huawei has had knowledge of the '751 Patent since at least the filing of the original Complaint in this action, or shortly thereafter, and on information and belief, Huawei knew of the '751 Patent and knew of its infringement, including by way of this lawsuit.

30. Upon information and belief, Huawei's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 25 of the '751 Patent by making or using a data server implemented

on one or more processors and one or more memory systems; the data server configured to analyze content of a data block to identify a parameter, attribute, or value of the data block that excludes analysis based solely on reading a descriptor; the data server configured to select an encoder associated with the identified parameter, attribute, or value; the data server configured to compress data in the data block with the selected encoder to produce a compressed data block, wherein the compression utilizes a state machine; and the data server configured to store the compressed data block; wherein the time of the compressing the data block and the storing the compressed data block is less than the time of storing the data block in uncompressed form. For example, Huawei explains to customers the benefits of using the Accused Instrumentalities, such as by touting their efficiency: “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide. Huawei also induces its customers to use the Accused Instrumentalities to infringe other claims of the '751 Patent. Huawei specifically intended and was aware that these normal and customary activities would infringe the '751 Patent. Huawei performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '751 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Huawei engaged in such inducement to promote the sales of the Accused Instrumentalities. Accordingly, Huawei has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '751 Patent, knowing that such use constitutes infringement of the '751 Patent.

31. Huawei also indirectly infringes the '751 Patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '751 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality

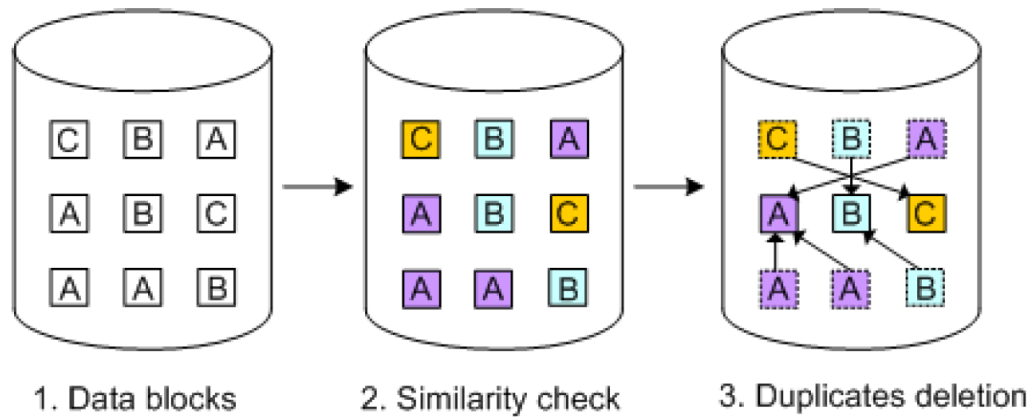
is designed to function with compatible hardware to create systems for compressing data comprising; a data server implemented on one or more processors and one or more memory systems; the data server configured to analyze content of a data block to identify a parameter, attribute, or value of the data block that excludes analysis based solely on reading a descriptor; the data server configured to select an encoder associated with the identified parameter, attribute, or value; the data server configured to compress data in the data block with the selected encoder to produce a compressed data block, wherein the compression utilizes a state machine; and the data server configured to store the compressed data block; wherein the time of the compressing the data block and the storing the compressed data block is less than the time of storing the data block in uncompressed form. Because the Accused Instrumentality is designed to operate as the claimed system for compressing input data, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Huawei's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '751 Patent.

32. The Accused Instrumentalities include a system for compressing data. For example, Huawei discloses that “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems check for duplicate data blocks and uses deduplication to delete



redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



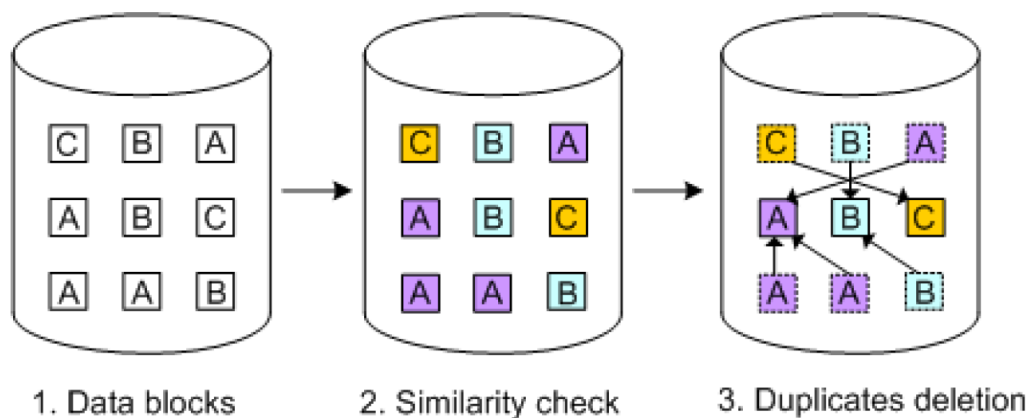
*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Moreover, Huawei states that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10.

33. The Accused Instrumentalities include a data server implemented on one or more processors and one or more memory systems. For example, OceanStor 2000, 5000, and 6000 V3 Series controller includes a “[T]he core module that processes services in a storage system. It contains physical components such as system-level CPUs and memory.” *See OceanStor 2000, 5000, and 6000 V3 SystemReporter User Guide* at page 335. On information and belief, the Accused Instrumentalities use one or more memory systems in substantially the same way.

34. The Accused Instrumentalities include a data server configured to analyze content of a data block to identify a parameter, attribute, or value of the data block that excludes analysis based solely on reading a descriptor. For example, Huawei discloses that

“[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

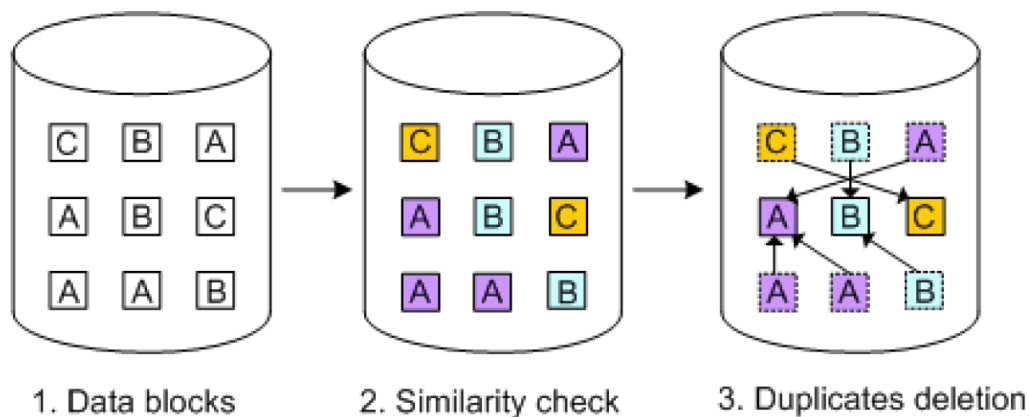


*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

35. The Accused Instrumentalities include a data server configured to select an encoder associated with the identified parameter, attribute, or value. For example, the Accused Instrumentalities select between deduplication or other compression. For example, Huawei discloses that “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the

increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

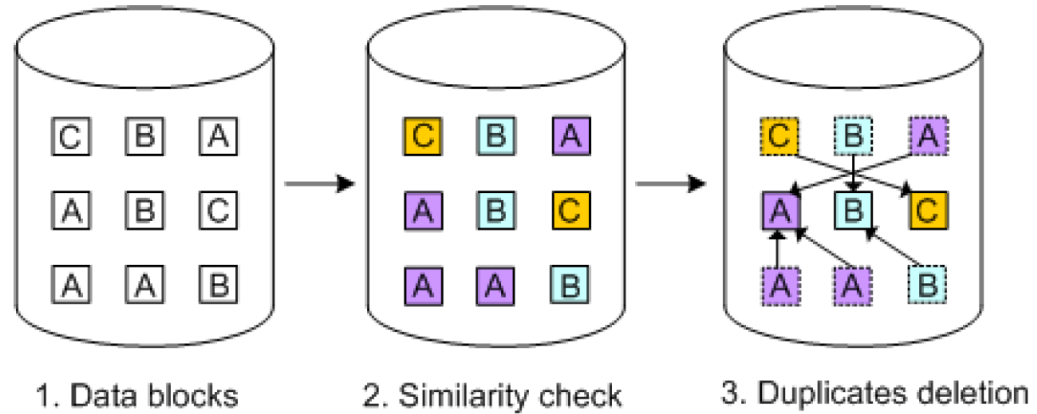


*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. As another example, Huawei states that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10.

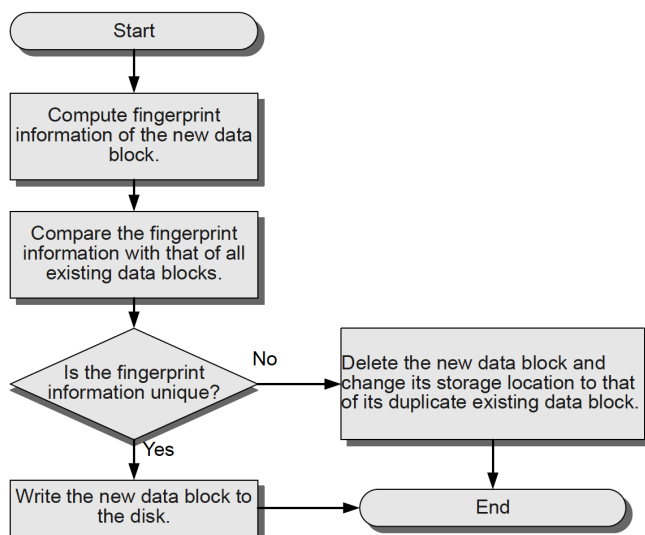
36. The Accused Instrumentalities include a data server configured to compress data in the data block with the selected encoder to produce a compressed data block, wherein the compression utilizes a state machine. For example, Huawei discloses that “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for

duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

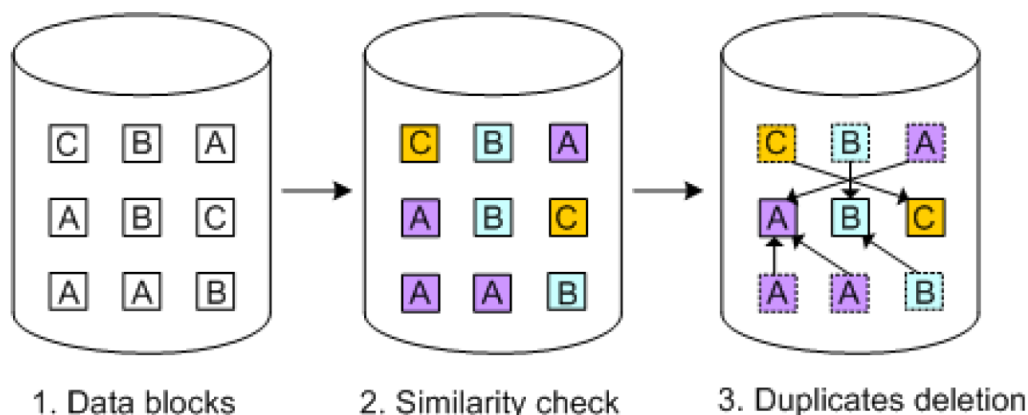


*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. As another example, the Accused Instrumentalities implement “the hash algorithm to compute fingerprint information about new data blocks. In fixed-length deduplication, the division granularity of data blocks is the same as file system block size, and data blocks of the same size are deduplicated each time. The storage system checks if the fingerprint information of the new data blocks is the same as that of any existing data blocks. If yes, the storage system considers the new data blocks as duplicates, deletes them, and points the storage locations of the new data blocks to those of the existing data blocks. If no, the storage system directly writes the new data blocks.” *See e.g.*, OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

**Figure 1-1** Deduplication process

See e.g., OceanStor V3 Series SmartDedupe and SmartCompression Feature Guide for File.

37. The Accused Instrumentalities include a data server configured to store the compressed data block. For example, the Accused Instrumentalities also use one or more memory devices, including, e.g., flash media and solid state drives (SSDs). For example, Huawei discloses that “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide. Moreover, Huawei provides that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” See e.g., Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10. On information and belief, all of the Accused Instrumentalities include a data server configured to store the compressed data block in substantially the same way.

38. The time of the compressing the data block and the storing the compressed data block in the Accused Instrumentalities is less than the time of storing the data block in uncompressed form. Due to the data reduction and acceleration features of the specific compression algorithms used, the time of the compressing the data block and the storing the compressed data block is less than the time of storing the data block in uncompressed form. For example, Huawei states that “[D]eduplication is performed in real time, not after data is written to the flash media” and “[C]ompression is performed in real time and is not handled in post-processing.” See e.g., Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3.

39. On information and belief, Huawei also infringes, directly and through induced infringement and contributory infringement, and continues to infringe other claims of the '751 Patent.

40. On information and belief, use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the methods claimed by the '751 Patent.

41. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Huawei has injured Realtime and is liable to Realtime for infringement of the '751 Patent pursuant to 35 U.S.C. § 271.

42. As a result of Huawei's infringement of the '751 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Huawei's infringement, but in no event less than a reasonable royalty for the use made of the invention by Huawei, together with interest and costs as fixed by the Court.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 8,717,203**

43. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

44. Plaintiff Realtime is the owner by assignment of United States Patent No. 8,717,203 ("the '203 Patent") entitled "Data compression systems and methods." The '203 Patent was duly and legally issued by the United States Patent and Trademark Office on May 6, 2014. A true and correct copy of the '203 Patent is included as Exhibit C.

45. On information and belief, Huawei has offered for sale, sold and/or imported into the United States Huawei products and services that infringe the '203 Patent,

and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Huawei's products and services, *e.g.*, Huawei, OceanStor Dorado V3, OceanStor 2000, 5000, and 6000 V3 Series, OceanStor Backup Software, and other Cloud and Enterprise Storage products, and all versions and variations thereof since the issuance of the '203 patent ("Accused Instrumentalities").

46. On information and belief, Huawei has directly infringed and continues to infringe the '203 Patent, for example, through its own use and testing of the Accused Instrumentalities, which in the ordinary course of their operation form a system, claimed by Claim 14 of the '203 Patent, for decompressing one or more compressed data blocks included in one or more data packets using a data decompression engine, the one or more data packets being transmitted in sequence from a source that is internal or external to the data decompression engine, wherein a data packet from among the one or more data packets comprises a header containing control information followed by one or more compressed data blocks of the data packet. The claimed system includes: a data decompression processor configured to analyze the data packet to identify one or more recognizable data tokens associated with the data packet, the one or more recognizable data identifying a selected encoder used to compress one or more data blocks to provide the one or more compressed data blocks, the encoder being selected based on content of the one or more data blocks on which a compression algorithm was applied; one or more decompression decoders configured to decompress a compressed data block from among the one or more compressed data blocks associated with the data packet based on the one or more recognizable data tokens; wherein: the one or more decompression decoders are further configured to decompress the compressed data block utilizing content dependent



data decompression to provide a first decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content dependent data compression; and the one or more decompression decoders are further configured to decompress the compressed data block utilizing content independent data decompression to provide a second decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content independent data compression; and an output interface, coupled to the data decompression engine, configured to output a decompressed data packet including the first or the second decompressed data block. Upon information and belief, Huawei uses the Accused Instrumentalities, which are infringing systems, for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Huawei's customers.

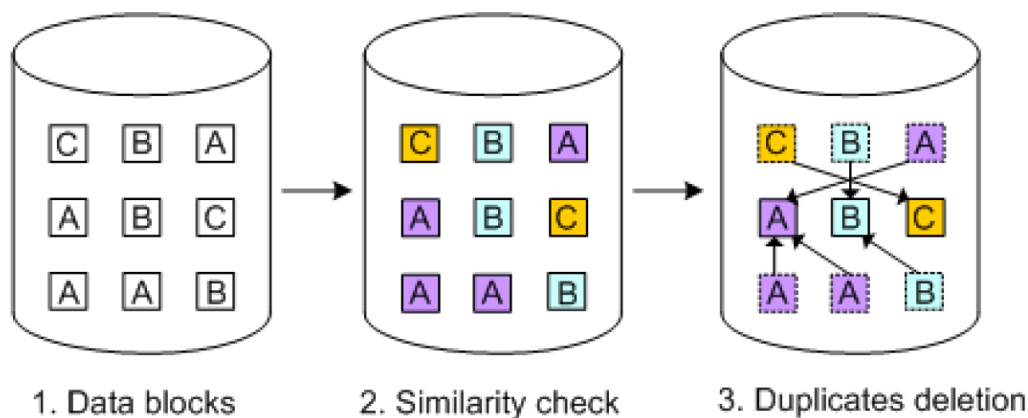
47. On information and belief, Huawei has had knowledge of the '203 Patent since at least the filing of the original Complaint in this action, or shortly thereafter, and on information and belief, Huawei knew of the '203 Patent and knew of its infringement, including by way of this lawsuit.

48. Upon information and belief, Huawei's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 14 of the '203 Patent by making or using a system for decompressing, one or more compressed data blocks included in one or more data packets using a data decompression engine, the one or more data packets being transmitted in sequence from a

source that is internal or external to the data decompression engine, wherein a data packet from among the one or more data packets comprises a header containing control information followed by one or more compressed data blocks of the data packet the system claimed by Claim 14 of the '203 Patent, including: a data decompression processor configured to analyze the data packet to identify one or more recognizable data tokens associated with the data packet, the one or more recognizable data identifying a selected encoder used to compress one or more data blocks to provide the one or more compressed data blocks, the encoder being selected based on content of the one or more data blocks on which a compression algorithm was applied; one or more decompression decoders configured to decompress a compressed data block from among the one or more compressed data blocks associated with the data packet based on the one or more recognizable data tokens; wherein: the one or more decompression decoders are further configured to decompress the compressed data block utilizing content dependent data decompression to provide a first decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content dependent data compression; and the one or more decompression decoders are further configured to decompress the compressed data block utilizing content independent data decompression to provide a second decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content independent data compression; and an output interface, coupled to the data decompression engine, configured to output a decompressed data packet including the first or the second decompressed data block. For example, Huawei explains to customers the benefits of using the Accused Instrumentalities, such as by touting their performance advantages:

“Deduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



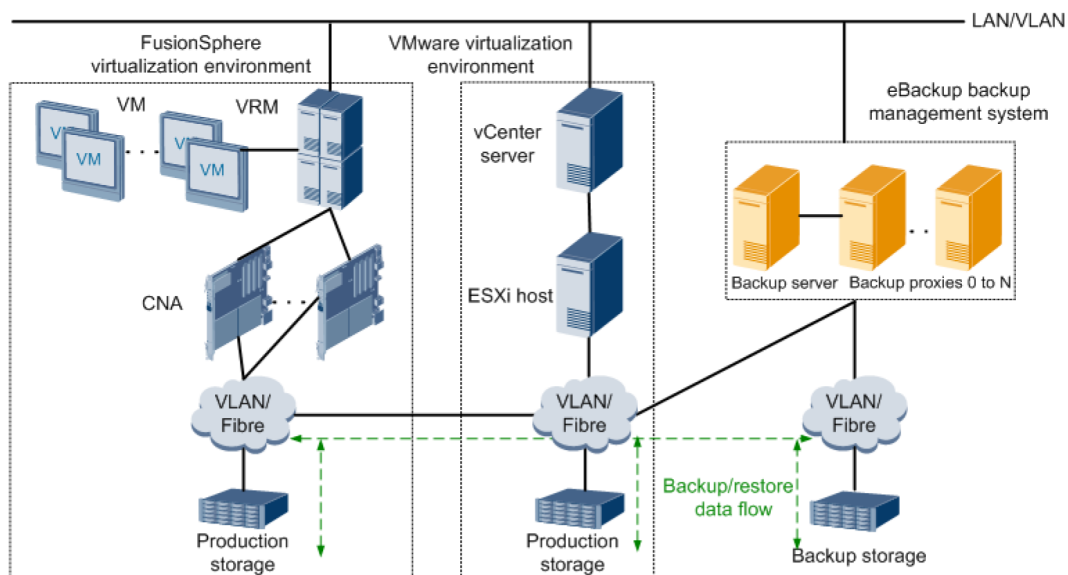
*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. For similar reasons, Huawei also induces its customers to use the Accused Instrumentalities to infringe other claims of the '203 Patent. Huawei specifically intended and was aware that these normal and customary activities would infringe the '203 Patent. Huawei performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '203 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Huawei engaged in such inducement to promote the sales of the Accused Instrumentalities.

Accordingly, Huawei has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '203 patent, knowing that such use constitutes infringement of the '203 Patent.

49. Huawei also indirectly infringes the '203 Patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '203 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality is designed to function with compatible hardware to create systems comprising: a data decompression processor configured to analyze the data packet to identify one or more recognizable data tokens associated with the data packet, the one or more recognizable data identifying a selected encoder used to compress one or more data blocks to provide the one or more compressed data blocks, the encoder being selected based on content of the one or more data blocks on which a compression algorithm was applied; one or more decompression decoders configured to decompress a compressed data block from among the one or more compressed data blocks associated with the data packet based on the one or more recognizable data tokens; wherein: the one or more decompression decoders are further configured to decompress the compressed data block utilizing content dependent data decompression to provide a first decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content dependent data compression; and the one or more decompression decoders are further configured to decompress the compressed data block utilizing content independent data decompression to provide a second decompressed data block when the one or more

recognizable data tokens indicate that the data block was encoded utilizing content independent data compression; and an output interface, coupled to the data decompression engine, configured to output a decompressed data packet including the first or the second decompressed data block. Because the Accused Instrumentality is designed to operate as the claimed system for compressing input data, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Huawei's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '203 Patent.

50. The Accused Instrumentalities form a system for decompressing one or more compressed data blocks included in one or more data packets using a data decompression engine, the one or more data packets being transmitted in sequence from a source that is internal or external to the data decompression engine. For example, the Accused Instrumentalities restore "the backup data on the back-end storage to the production end using the backup images generated at a specific point in time." *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Furthermore, in the Accused Instrumentalities "SAN virtualization storage is used and the LAN-free mode is used to perform data backup and restore." *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 1-3** LAN-free backup deployment scenario

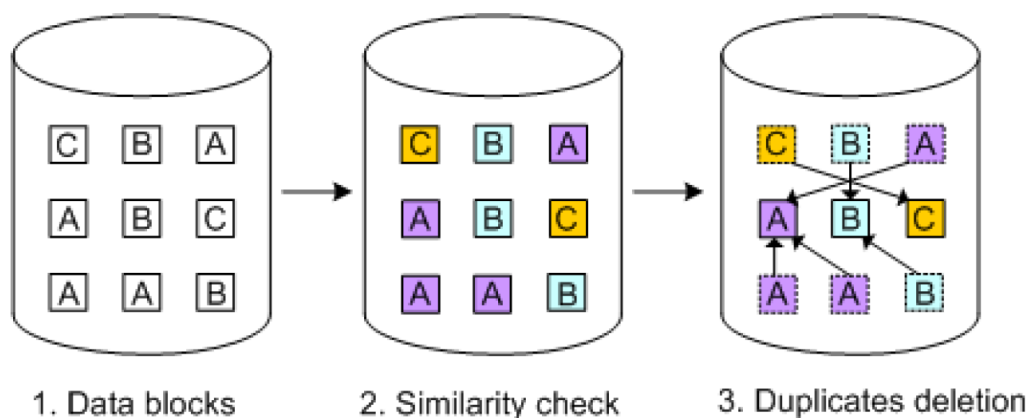
See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide. To recover data from backup, the Accused Instrumentalities decompress the data.

51. The data packets from among the one or more data packets in the Accused Instrumentalities include a header containing control information followed by one or more compressed data blocks of the data packet. The header containing control information contains information used to determine which compression format was used to compress the data. For example, the Accused Instrumentalities utilize “[D]eduplication metadata: saves information about deduplication, such as fingerprint information and storage location of deduplicated data.” See, e.g., *OceanStor V3 Series SmartDedupe and SmartSmartCompression Feature Guide for File*.

52. The Accused Instrumentalities utilize multiple formats of compression to compress data for backup. For example, the Accused Instrumentalities utilize deduplication “compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate

copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle

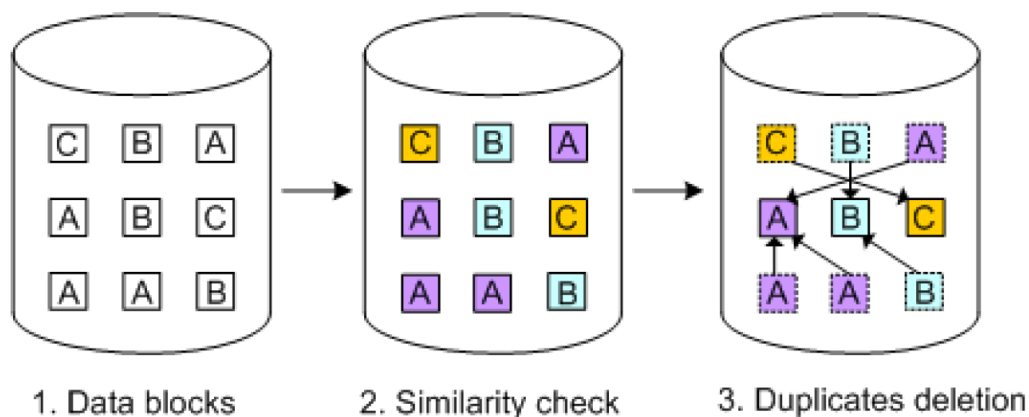


See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide. An encoder to compress data is selected based on content of the one or more data blocks on which a compression algorithm is applied. To prepare to decompress the data, the Accused Instrumentalities include a data decompression processor configured to analyze the data packet to identify one or more recognizable data tokens associated with the data packet, the one or more recognizable data identifying a selected encoder used to compress one or more data blocks to provide the one or more compressed data blocks, the encoder being selected based on content of the one or more data blocks on which a compression algorithm was applied. For example, the Accused Instrumentalities utilize “[D]eduplication metadata: saves information about deduplication, such as fingerprint information and

storage location of deduplicated data.” *See, e.g., OceanStor V3 Series SmartDedupe and Smart SmartCompression Feature Guide for File.*

53. To decompress the data, the Accused Instrumentalities include one or more decompression decoders configured to decompress a compressed data block from among the one or more compressed data blocks associated with the data packet based on the one or more recognizable data tokens. For example, the Accused Instrumentalities utilize deduplication “compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.*

**Figure 3-1** Deduplication principle



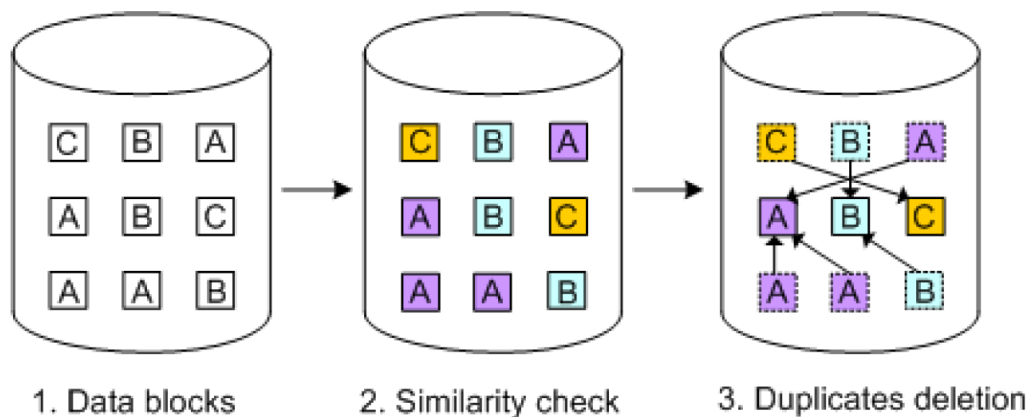
*See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.* The Accused Instrumentalities restore “the backup data on the back-end storage to the production end



using the backup images generated at a specific point in time.” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Furthermore, the Accused Instrumentalities utilize deduplication metadata which “saves information about deduplication, such as fingerprint information and storage location of deduplicated data.” *See, e.g.*, OceanStor V3 Series SmartDedupe and Smart SmartCompression Feature Guide for File.

54. One of the compression formats in the Accused Instrumentalities is content dependent data decompression. For example, the Accused Instrumentalities utilize deduplication “compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



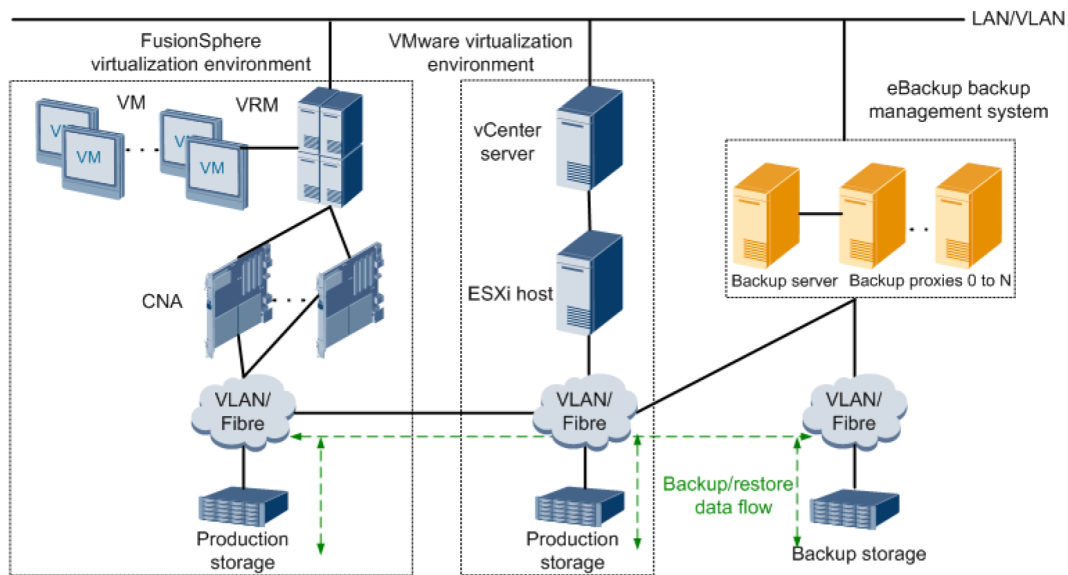
*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. The one or more decompression decoders in the Accused Instrumentalities are further configured to decompress the compressed data block utilizing content dependent data decompression to provide a first decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content dependent data compression. As such, the Accused Instrumentalities utilize “[D]eduplication metadata: saves information about deduplication, such as fingerprint information and storage location of deduplicated data.” *See, e.g., OceanStor V3 Series SmartDedupe and Smart SmartCompression Feature Guide for File.*

55. One of the compression formats in the Accused Instrumentalities is content independent data decompression. For example, Huawei states that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” *See e.g., Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10.* Furthermore, the Accused Instrumentalities restore “the backup data on the back-end storage to the production end using the backup images generated at a specific point in time.” *See e.g., OceanStor Backup Software V100R002C00 eBackup User Guide.* The one or more decompression decoders in the Accused Instrumentalities are further configured to decompress the compressed data block utilizing content independent data decompression to provide a second decompressed data block when the one or more recognizable data tokens indicate that the data block was encoded utilizing content independent data compression.

56. The Accused Instrumentalities include an output interface, coupled to the data decompression engine, configured to output a decompressed data packet including the

first or the second decompressed data block. For example, in the Accused Instrumentalities, the backup storage space is coupled to Ethernet, Fibre Channel, or other communication interfaces and configured to provide decompressed data. For example, the Accused Instrumentalities restore “the backup data on the back-end storage to the production end using the backup images generated at a specific point in time.” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Furthermore, in the Accused Instrumentalities “SAN virtualization storage is used and the LAN-free mode is used to perform data backup and restore.” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 1-3** LAN-free backup deployment scenario



*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. On information and belief, all of the Accused Instrumentalities have network connections that provide an output interface, coupled to the data decompression engine, configured to output a decompressed data packet including the first or the second decompressed data block.

57. On information and belief, Huawei also infringes, directly and through induced infringement and contributory infringement, and continues to infringe other claims of the '203 Patent.

58. On information and belief, use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the methods claimed by the '203 Patent.

59. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Huawei has injured Realtime and is liable to Realtime for infringement of the '203 Patent pursuant to 35 U.S.C. § 271.

60. As a result of Huawei's infringement of the '203 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Huawei's infringement, but in no event less than a reasonable royalty for the use made of the invention by Huawei, together with interest and costs as fixed by the Court.

#### **COUNT IV**

#### **INFRINGEMENT OF U.S. PATENT NO. 9,116,908**

61. Plaintiff Realtime realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

62. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,116,908 ("the '908 Patent") entitled "System and methods for accelerated data storage and retrieval." The '908 Patent was duly and legally issued by the United States Patent and Trademark Office on August 25, 2015, and Claims 1, 2, 4-6, 9, 11, 21, 22, 24, and 25 of the '908 Patent confirmed as patentable in a Final Written Decision of the Patent Trial

and Appeal Board on October 31, 2017. A true and correct copy of the '908 Patent is included as Exhibit D.

63. On information and belief, Huawei has offered for sale, sold and/or imported into the United States Huawei products and services that infringe the '908 Patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Huawei's products and services, *e.g.*, Huawei, OceanStor Dorado V3, OceanStor 2000, 5000, and 6000 V3 Series, OceanStor Backup Software, and other Cloud and Enterprise Storage products, and all versions and variations thereof since the issuance of the '908 Patent (the "Accused Instrumentality").

64. On information and belief, Huawei has directly infringed and continues to infringe the '908 Patent, for example, through its own use and testing of the Accused Instrumentality, which constitutes a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. Upon information and belief, Huawei uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Huawei's customers.

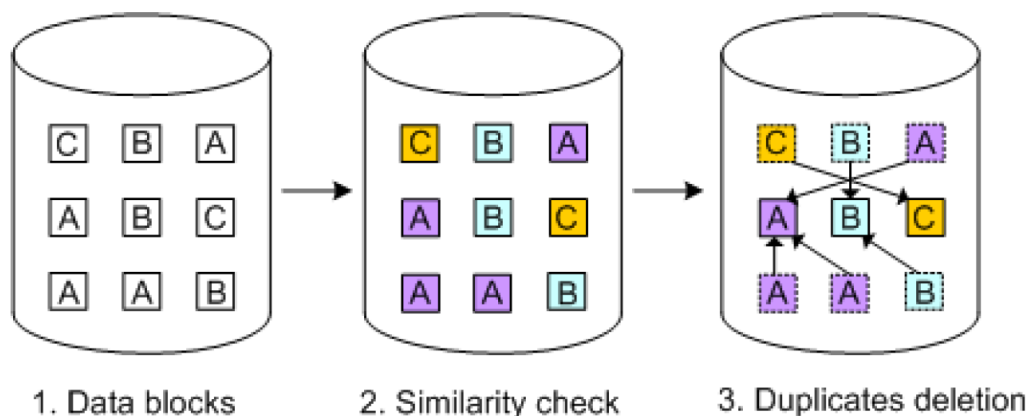
65. On information and belief, use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the systems claimed by the '908 Patent.

66. On information and belief, Huawei has had knowledge of the '908 Patent since at least the filing of this First Amended Complaint or shortly thereafter, and on information and belief, Huawei knew of the '908 Patent and knew of its infringement, including by way of this lawsuit.

67. Upon information and belief, Huawei's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 1 of the '908 Patent by making or using a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. For example, Huawei explains to customers the benefits of using the Accused Instrumentalities, such as by touting their performance advantages: "Deduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the

occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. For similar reasons, Huawei also induces its customers to use the Accused Instrumentalities to infringe other claims of the '908 Patent. Huawei specifically intended and was aware that these normal and customary activities would infringe the '908 Patent. Huawei performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '908 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Huawei engaged in such inducement to promote the sales of the Accused Instrumentalities. Accordingly, Huawei has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '908 Patent, knowing that such use constitutes infringement of the '908 Patent.

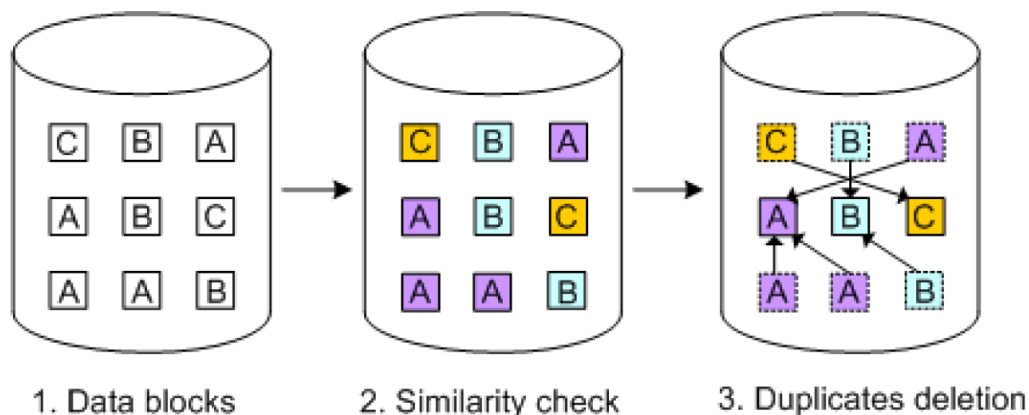
68. Huawei also indirectly infringes the '908 Patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '908 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality is designed to function with compatible hardware to create a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. Because the Accused Instrumentality is designed to operate as the claimed system for compressing, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Huawei's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '908 Patent.

69. The Accused Instrumentality includes a memory device and a data accelerator configured to compress: (i) a first data block with a first compression technique (e.g., deduplication) to provide a first compressed data block; and (ii) a second data block with a second compression technique (e.g., another compression), different from the first compression technique, to provide a second compressed data block. For example, the



Accused Instrumentalities also use one or more memory devices, including, e.g., flash media and solid state drives (SSDs). For example, Huawei discloses that “[D]eduplication is a data compression technology that searches for duplicate data, saves only one copy of the data, and uses pointers that point to the unique copy to replace the duplicate copies. eBackup backup management system uses deduplication to minimize the occupation of back-end storage space and address the increasing demand for storage capacity. Figure 3-1 shows the deduplication working process. The systems checks for duplicate data blocks and uses deduplication to delete redundant data blocks (The data in the dotted box implies the duplicate data).” *See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide.

**Figure 3-1** Deduplication principle



*See e.g.*, OceanStor Backup Software V100R002C00 eBackup User Guide. Moreover, Huawei provides that “compression is performed after deduplication, ensuring that no duplicate data is compressed and improving compression efficiency.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3 at page 10

70. The Accused Instrumentality stores the compressed first and second data blocks on the memory device. For example, OceanStor 2000, 5000, and 6000 V3 Series

controller includes a “[T]he core module that processes services in a storage system. It contains physical components such as system-level CPUs and memory.” *See e.g.*, OceanStor 2000, 5000, and 6000 V3 SystemReporter User Guide at page 335. Moreover, Huawei discloses that “[T]he compressed data blocks are stored in arrays.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3.

71. The compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. For example, Huawei states that “[D]eduplication is performed in real time, not after data is written to the flash media” and “[C]ompression is performed in real time and is not handled in post-processing.” *See e.g.*, Best Practices of Huawei SAP HANA TDI Solution Using OceanStor Dorado V3. On information and belief, Huawei also infringes, directly and through induced infringement, and continues to infringe other claims of the ’908 Patent.

72. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities’ compression features, Huawei has injured Realtime and is liable to Realtime for infringement of the ’908 Patent pursuant to 35 U.S.C. § 271.

73. As a result of Huawei’s infringement of the ’908 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Huawei’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Huawei, together with interest and costs as fixed by the Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Realtime respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Huawei has infringed, either literally and/or under the doctrine of equivalents, the '728 Patent, the '751 Patent, the '203 Patent, and the '908 Patent;

b. A permanent injunction prohibiting Huawei from further acts of infringement of the '728 Patent, the '751 Patent, the '203 Patent, and the '908 Patent;

c. A judgment and order requiring Huawei to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the '728 Patent, the '751 Patent, the '203 Patent, and the '908 Patent; and

d. A judgment and order requiring Huawei to provide an accounting and to pay supplemental damages to Realtime, including without limitation, prejudgment and post-judgment interest;

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

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

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

Dated: August 20, 2018

Respectfully submitted,

By: /s/ Marc A. Fenster

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**Attorneys for Plaintiff**

**REALTIME DATA LLC d/b/a IXO**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on all counsel of record via electronic service on August 20, 2018.

/s/ Marc A. Fenster