

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

ELITE GAMING TECHNOLOGY, LLC.,)	
)	
Plaintiff,)	Case No.
)	
v.)	<u>JURY TRIAL DEMANDED</u>
)	
ASROCK INC.; ASROCK INDUSTRIAL)	
COMPUTER INC.; and ASROCK RACK)	
INC.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Elite Gaming Technology, LLC. (“EGT” or “Plaintiff”) for its Complaint against Defendants ASRock Inc. (“AsRock Inc.”), ASRock Industrial Computer Inc. (“ASRock Industrial”), ASRock Rack Inc. (“ASRock Rack”) (ASRock, ASRock Industrial, and ASRock Rack are collectively referred to as “ASRock” or “Defendants”), alleges as follows:

THE PARTIES

1. EGT 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 AsRock Inc. is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at Jhongyang South Rd, Section 2 2F, No 37, Beitou District Taipei, Taiwan, and may be served pursuant to the provisions of the Hague Convention. Defendant ASRock Industrial Computer is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 7F., No.9, Ln. 79, Ligong St., Beitou Dist. Taipei City, Taiwan (R.O.C.) 112, TW.

Defendant ASRock Rack is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 4F., No.37, Sec. 2, Jhongyang S. Rd., Beitou District, Taipei City 112, Taiwan (R.O.C.). ASRock Inc., ASRock Industrial, and ASRock Rack are a leading manufacturer and seller of laptops, motherboards, and servers in the world and in the United States. Upon information and belief, ASRock 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 conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this Judicial District and/or have 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, Defendants are not residents in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

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 their 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 November 8, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,963,947 (the “’947 Patent”) entitled “Driver Supporting Bridge Method and Apparatus.” A true and correct copy of the ’947 Patent is available at: <http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=06963947>.

8. On March 16, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,708,045 (the “’045 Patent”) entitled “Easily Reconfigured and Upgraded Radio Card and Wireless Terminal.” A true and correct copy of the ’045 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06708045>.

9. On March 20, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,194,613 (the “’613 Patent”) entitled “Communication Protocol for Serial Peripheral Devices.” A true and correct copy of the ’613 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=07194613>.

10. On September 14, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,791,799 (the “’799 Patent”) entitled “Digital Device Configuration and Method.” A true and correct copy of the ’799 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06791799>.

11. On December 6, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,973,535 (the “’535 Patent”) entitled “Digital Device Configuration and Method.” A true and correct copy of the ’535 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06973535>.

12. EGT is the sole and exclusive owner of all right, title, and interest in the ’947 Patent, the ’045 Patent, the ’613 Patent, the ’799 Patent, and the ’535 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. EGT 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.

13. EGT 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

14. The Patents-in-Suit generally cover systems and methods for use in motherboards, laptops, and desktop PCs.

15. The '947 Patent generally relates to technology for dynamically rebalancing PCI to PCI bridges to overcome Operating System, BIOS, and Chipset limitations to allow for multiple level PCI buses. The technology described by the '947 Patent was developed by inventors Alexei Piatetsky and Frank W. Ahern. For example, this technology is implemented in motherboards which contain PCI bridges so that multiple motherboard components work compatibly. Infringing motherboards, PCs, and laptops include bridge drivers to allow communications between otherwise incompatible buses.

16. The '045 Patent generally relates to configurable radio card and wireless terminal. The technology described in the '045 Patent was developed by Hong Lieu Winston, Cheng Wang, David Kiley, and Charles Chia-Yi Pai. For example, the technology is implemented by infringing motherboards, laptops and PCs which push updates to a radio card device.

17. The '613, Patent generally relates to communication protocols for serial peripheral devices. The technology described in the '613 Patent was developed by Jude J.

Katsch. For example, the technology is implemented by motherboards, laptops, and desktop PCs which determine if a peripheral device is branded, and if not, the peripheral device is initialized.

18. The '799 Patent and the '535 Patent generally relates to digital storage apparatus with rotatable magnetic media and head arrangements for accessing the media. The technology described in the '799 Patent was developed by John F. Fletcher and the technology described in the '535 Patent was developed by Curtis H. Bruner, Lance R. Carlson, and Jeffrey E. Mast. For example, the technology is implemented by infringing, laptops and PCs that contain Hard Disk Drives (HDDs) having a serial interface and utilize a flexible circuit stiffener with a ramp arrangement configured for receiving the actuator arm in a parked position.

19. Third parties Western Digital ("WD") and Hitachi Global Storage Technologies ("HGST") supply Hard Disk Drives ("HDDs") that implement the infringing technologies. These hard drives include WD Blue, Black, Red, Purple, and Gold drives, as well as HGST Ultrastar, Travelstar, Deskstar, Endurastar, and Cinemastar drives. ASRock makes, uses, sells, and/or imports computers, such as desktops, laptops, tablets, and servers that include one or more WD and/or HGST HDDs. For example, upon information and belief, these infringing computers include the ASRock computers that include one or more WD and/or HGST HDDs, such as the HGST Travelstar 5k1500.

20. ASRock 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 importing, products including motherboards, desktop PCs, laptop computers, and associated software that infringes the Patents-in-Suit.

COUNT I
(Infringement of the '947 Patent)

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

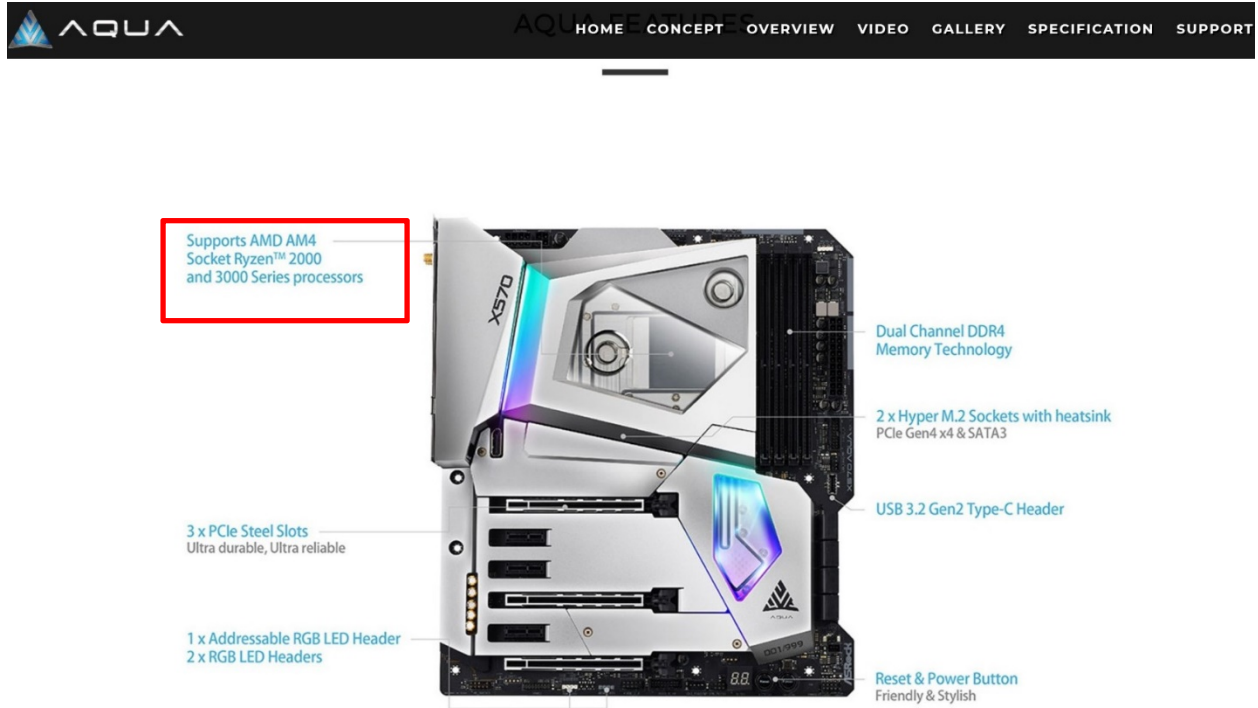
22. EGT has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '947 Patent.

23. Defendants have and continue to directly infringe the '947 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 '947 Patent. Such products include motherboards that utilize the Intel X299, Intel Z370, Intel X99, Intel Z270, Intel H370, Intel H310, Intel B365, Intel B360, Intel B250, Intel H81, Intel Q270, Intel H110, Intel C246, Intel C422, AMD TRX40, AMD X570, AMD X470, AMD X399, AMD X370, AMD B450, AMD B350, AMD A320 Chipsets that include bridge drivers to allow communications between otherwise incompatible buses. For example, the above chipsets allow for communication between the graphics, memory, PCI, USB, and I/O communicate with one another through the use of drivers. On information and belief, such ASRock products include at least the ASRock AQUA, PHANTOM GAMING, CREATOR, TAICHI, STEEL LEGEND, EXTREME, PRO, OC FORMULA, FATALITY GAMING, 4X4, CAB, COM, IMB, N3150, N3350, N4200, NAB, NUC, SBC, SOM, STX, UTX motherboards.

24. For example, Defendants have and continue to directly infringe at least claim 1 of the '947 Patent by making, using, offering to sell, selling, and/or importing into the United States motherboards that contain a bridge driver adapted to permit communications from a first communication bus to a second communication bus via a bridge. Upon information and belief, ASRock's bridge drivers are adapted to rebalance a multi-level PCI bridge-based computer system.

25. For example, the X570 AQUA Gaming motherboard is compatible with the AMD

X570 chipset. The chipset allows communication between graphics, graphics, memory, PCI, USB, and I/O through the use of drivers:



26. The “support” section of the motherboard webpage, included for each of ASRock’s motherboards, provides links to downloadable drivers which aid in communication between graphics, graphics, memory, PCI, USB, and I/O:



- Download
- BIOS
- Manual
- FAQ
- CPU Support List
- Memory QVL (Matisse)
- Memory QVL (Pinnacle Ridge)
- Memory QVL (Picasso)
- Storage QVL

BIOS

⚠ Please read the information below before downloading or updating your BIOS
 We do not recommend users to update the BIOS if their system is already running normally. ASRock assumes no responsibility for any damages caused by improper operations of downloading or updating the BIOS. **Before you download or update the BIOS, please read "ⓘ (How to Update)" below carefully.** After updating BIOS, all the settings will be reset to the default.

Version	Date	Size	Update BIOS Under / How to Update	Description	Download
1.70	2019/12/17	12.77MB	Instant Flash ⓘ	Update AMD AGESA Combo-AM4 1.0.0.4 Patch B	🌐 Global 🇨🇳 China
1.40	2019/9/17	12.73MB	Instant Flash ⓘ	Update AMD AGESA Combo-AM4 1.0.0.3 ABBA	🌐 Global 🇨🇳 China
1.20	2019/9/5	12.66MB	Instant Flash ⓘ	First released.	🌐 Global 🇨🇳 China

Beta BIOS

⚠ Please read below information
 ASRock Beta version BIOS are designed for the users who are seeking to achieve the best performance out of their PCs such as gamers, overclocking lovers and PC enthusiasts. However, we don't recommend users to update BIOS while the system is running well. For any damages caused by improper operation of downloading or updating BIOS, ASRock assumes no responsibility. **Before you download or update the BIOS, please read below "ⓘ (How to Update)" carefully.** After updating BIOS, all the settings will be reset to the default.

Version	Date	Size	Update BIOS Under / How to Update	Description	Download
[Beta] 1.71	2019/12/9	12.78MB	Instant Flash ⓘ	1. Improve CPU_Fan1 smart fan function. 2. Improve system performance.	🌐 Global 🇨🇳 China

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Select your OS:

Description	OS	Size	Date	Download
AMD all in 1 with VGA driver ver:19.10.16_19H1_WHQL	Windows® 10 64bit	366MB	2019/8/15	Global China
Realtek high definition audio driver ver:8750.1 This download contains only the driver package, the Realtek Audio Control will be downloaded via Microsoft store when an internet connection is available. [Please refer to FAQ]	Windows® 10 64bit	32.51MB	2019/8/15	Global China
Intel Bluetooth driver ver:21.10.1.1	Windows® 10 64bit	147MB	2019/8/15	Global China
Aquantia 10GbE Lan driver ver:2.1.005.0	Windows® 10 64bit	7.35MB	2019/8/15	Global China
Intel Lan driver ver:23.5.2	Windows® 10 64bit	480MB	2019/8/15	Global China
SATA Floppy Image ver:9.2.0.120	Windows® 10 64bit	356KB	2019/8/15	Global China
AMD RAIDXpert2 utility ver:9.2.0.120	Windows® 10 64bit	93.6MB	2019/8/15	Global China
Intel Thunderbolt driver ver:17.4.77.400	Windows® 10 64bit	5.99MB	2019/8/15	Global China
Intel Wireless Lan driver ver:21.10.1.2	Windows® 10 64bit	519MB	2019/8/15	Global China
ASRock Motherboard Utility ver:3.0.304	Windows® 10 64bit	50.1MB	2019/12/11	Global China
APP Shop ver:1.0.41	Windows® 10 64bit	3.28MB	2019/8/15	Global China
Norton Security ver:22.17.1.50	Windows® 10 64bit	232MB	2019/8/15	Global China
Restart to UEFI ver:1.0.6	Windows® 10 64bit	1.19MB	2019/8/15	Global China
ASRock Polychrome RGB ver:2.0.27	Windows® 10 64bit	67.45MB	2019/8/15	Global China
[Beta] ASRock Polychrome RGB ver:2.0.47	Windows® 10 64bit	92.5MB	2020/2/6	Global China

27. Defendants have and continue to indirectly infringe one or more claims of the '947 Patent by knowingly and intentionally inducing others, including ASRock 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.

28. Defendants, with knowledge that these products, or the use thereof, infringe the '947 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 '947 Patent by providing these products to end users for use in an infringing manner.

29. 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 '947 Patent, but while remaining

willfully blind to the infringement.

30. EGT has suffered damages as a result of Defendants' direct and indirect infringement of the '947 Patent in an amount to be proved at trial.

31. EGT has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '947 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

COUNT II
(Infringement of the '045 Patent)

32. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

33. EGT has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '045 Patent.

34. Defendants have and continue to directly infringe the '045 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 '045 Patent. Such products include computer devices, motherboards, laptops, phones and PCs that have built in Bluetooth chips devices containing memory which receive updates and information. Infringing motherboards, laptops, and PCs which utilize Bluetooth, allow for exchanges of data using ultra high frequency radio waves. On information and belief, such ASRock products include at least the ASRock motherboards such as the AQUA, PHANTOM GAMING, CREATOR, TAICHI, STEEL LEGEND, EXTREME, FATALITY GAMING motherboards; ASRock laptops such as the G22, G32, F14, F24, and M15 laptops; ASRock desktop and all-in-one PCs such as the DESKMINI, JUPITER, BEEBOX, BOX, IBOX, IEC, and M8 PCs, and ASRock routers such as the X10, G10, and H2R routers that have built in Bluetooth chips devices containing memory

which receive updates and information.

35. For example, Defendants have and continue to directly infringe at least claim 1 of the '045 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include a radio card, with a first alterable memory for storing a first hardware definition, a radio comprising reconfigurable hardware that is defined by a first hard definition, a first wireline radio card interface for receiving said first hardware definition and a computer comprising a modem for receiving said first hardware definition via a data network and a second wireline radio card interface for providing said first hardware definition to said radio card for storage in said first alterable memory.

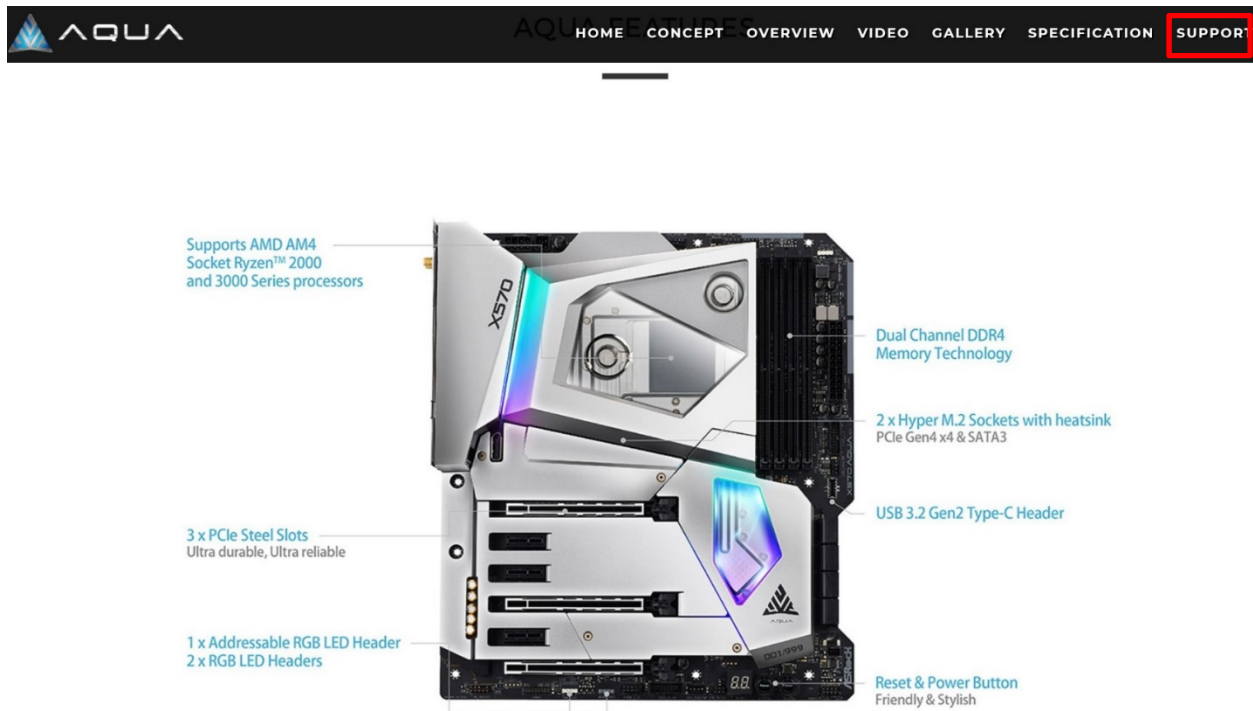
36. For example, the ASRock X570 AQUA contains a Bluetooth radio card with memory:

Wireless LAN	<ul style="list-style-type: none"> - Intel® 802.11ax WiFi Module - Supports IEEE 802.11a/b/g/n/ax - Supports Dual-Band (2.4/5 GHz) - Supports WiFi6 802.11ax (2.4Gbps) - 2 antennas to support 2 (Transmit) x 2 (Receive) diversity technology - Supports Bluetooth 5.0 + High speed class II - Supports MU-MIMO
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37. The ASRock X570 AQUA comprises a computer with a modem:

Wireless LAN	<ul style="list-style-type: none"> - Intel® 802.11ax WiFi Module - Supports IEEE 802.11a/b/g/n/ax - Supports Dual-Band (2.4/5 GHz) - Supports WiFi6 802.11ax (2.4Gbps) - 2 antennas to support 2 (Transmit) x 2 (Receive) diversity technology - Supports Bluetooth 5.0 + High speed class II - Supports MU-MIMO
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38. The ASRock X570 AQUA pushes updates and information, such as a driver update, from a data network, through a wireline radio card interface for storage in the Bluetooth radio card's first alterable memory:



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Description	OS	Size	Date	Download
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Realtek high definition audio driver ver:8750.1 This download contains only the driver package, the Realtek Audio Control will be downloaded via Microsoft store when an internet connection is available. [Please refer to FAQ]	Windows® 10 64bit	32.51MB	2019/8/15	Global China
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Intel Lan driver ver:23.5.2	Windows® 10 64bit	480MB	2019/8/15	Global China
SATA Floppy Image ver:9.2.0.120	Windows® 10 64bit	356KB	2019/8/15	Global China
AMD RAIDXpert2 utility ver:9.2.0.120	Windows® 10 64bit	93.6MB	2019/8/15	Global China
Intel Thunderbolt driver ver:17.4.77.400	Windows® 10 64bit	5.99MB	2019/8/15	Global China
Intel Wireless Lan driver ver:21.10.1.2	Windows® 10 64bit	519MB	2019/8/15	Global China
ASRock Motherboard Utility ver:3.0.304	Windows® 10 64bit	50.1MB	2019/12/11	Global China
APP Shop ver:1.0.41	Windows® 10 64bit	3.28MB	2019/8/15	Global China
Norton Security ver:22.17.1.50	Windows® 10 64bit	232MB	2019/8/15	Global China
Restart to UEFI ver:1.0.6	Windows® 10 64bit	1.19MB	2019/8/15	Global China
ASRock Polychrome RGB ver:2.0.27	Windows® 10 64bit	67.45MB	2019/8/15	Global China
[Beta] ASRock Polychrome RGB ver:2.0.47	Windows® 10 64bit	92.5MB	2020/2/6	Global China

39. Defendants have and continue to indirectly infringe one or more claims of the '045 Patent by knowingly and intentionally inducing others, including ASRock 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.

40. Defendants, with knowledge that these products, or the use thereof, infringe the '045 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 '045 Patent by providing these products to end users for use in an infringing manner.

41. 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 '045 Patent, but while remaining

willfully blind to the infringement.

42. EGT has suffered damages as a result of Defendants' direct and indirect infringement of the '045 Patent in an amount to be proved at trial.

43. EGT has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '045 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

COUNT III
(Infringement of the '613 Patent)

44. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

45. EGT has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '613 Patent.

46. Defendants have and continue to directly infringe the '613 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 '613 Patent. On information and belief, such ASRock products include at least the ASRock motherboards such as the AQUA, PHANTOM GAMING, CREATOR, TAICHI, STEEL LEGEND, EXTREME, PRO, OC FORMULA, FATALITY GAMING, 4X4, CAB, COM, IMB, N3150, N3350, N4200, NAB, NUC, SBC, SOM, STX, UTX motherboards; ASRock laptops such as the G22, G32, F14, F24, and M15 laptops; ASRock desktop and all-in-one PCs such as the DESKMINI, JUPITER, BEEBOX, BOX, IBOX, IEC, and M8 PCs that utilize Inter-Integrated Circuit (I²C)¹ and System Management Bus (SMBus) protocols² to initialize and brand host devices connected to a

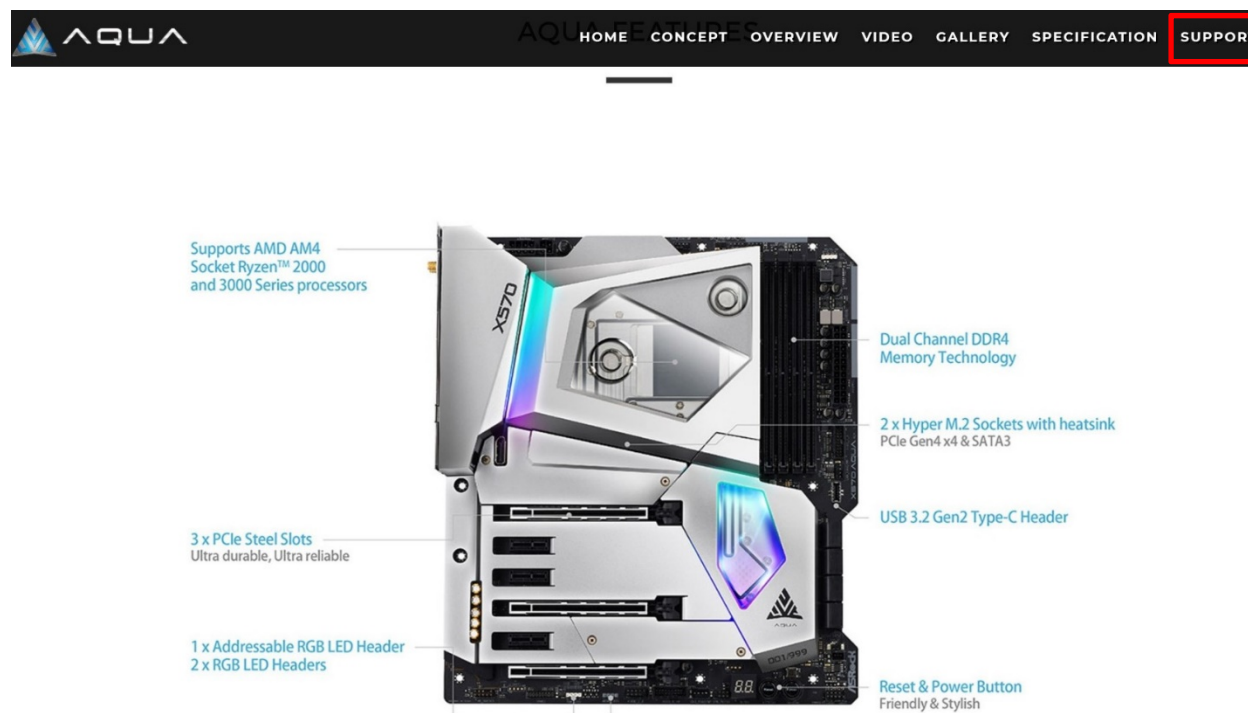
¹ <https://www.nxp.com/docs/en/application-note/AN10216.pdf>

² <http://smbus.org/specs/index.html>

communication bus.

47. For example, Defendants have and continue to directly infringe at least claim 1 of the '613 Patent by making, using, offering to sell, selling, and/or importing into the United States products that initialize and brand host devices connected to a communication bus. The infringing systems include one or more ASRock motherboard, laptops, and desktops and all-in-one PCs that utilize SMBus protocols, such as the ASRock X570 AQUA.

48. Upon information and belief, the X570 AQUA utilizes SMBus protocol, which is updated and controlled through its chipset drivers:



49. Upon information and belief, the ASRock X570 AQUA utilizes a method of initializing devices connected to a communication bus by a host device, determines which devices are branded or unbranded, and if there are no branded devices, sends a first focus command to a device connected to the communication bus, returns configuration information,

and brands the device³:

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BIOS

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Version	Date	Size	Update BIOS Under / How to Update	Description	Download
1.70	2019/12/17	12.77MB	Instant Flash ⓘ	Update AMD AGESA Combo-AM4 1.0.0.4 Patch B	🌐 Global 🇨🇳 China
1.40	2019/9/17	12.73MB	Instant Flash ⓘ	Update AMD AGESA Combo-AM4 1.0.0.3 ABBA	🌐 Global 🇨🇳 China
1.20	2019/9/5	12.66MB	Instant Flash ⓘ	First released.	🌐 Global 🇨🇳 China

Beta BIOS

⚠ Please read below information
 ASRock Beta version BIOS are designed for the users who are seeking to achieve the best performance out of their PCs such as gamers, overclocking lovers and PC enthusiasts. However, we don't recommend users to update BIOS while the system is running well. For any damages caused by improper operation of downloading or updating BIOS, ASRock assumes no responsibility. Before you download or update the BIOS, please read below "ⓘ (How to Update)" carefully. After updating BIOS, all the settings will be reset to the default.

Version	Date	Size	Update BIOS Under / How to Update	Description	Download
[Beta] 1.71	2019/12/9	12.78MB	Instant Flash ⓘ	1. Improve CPU_Fan1 smart fan function. 2. Improve system performance.	🌐 Global 🇨🇳 China

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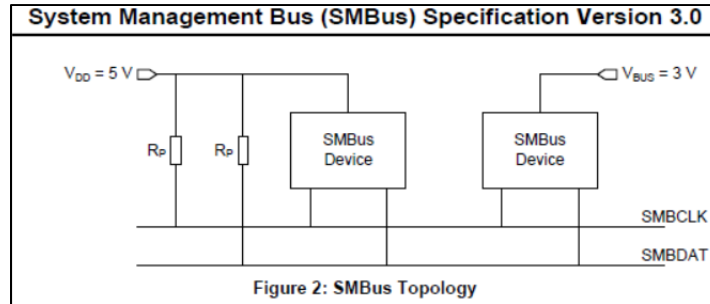
Memory QVL (Pinnacle Ridge) Memory QVL (Picasso) Storage QVL

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Select your OS:

Description	OS	Size	Date	Download
AMD all in 1 with VGA driver ver:19.10.16_19H1_WHQL	Windows® 10 64bit	366MB	2019/8/15	🌐 Global 🇨🇳 China
Realtek high definition audio driver ver:8750.1 This download contains only the driver package, the Realtek Audio Control will be downloaded via Microsoft store when an internet connection is available. [Please refer to FAQ]	Windows® 10 64bit	32.51MB	2019/8/15	🌐 Global 🇨🇳 China
Intel Bluetooth driver ver:21.10.1.1	Windows® 10 64bit	147MB	2019/8/15	🌐 Global 🇨🇳 China
Aquantia 10GbE Lan driver ver:2.1.005.0	Windows® 10 64bit	7.35MB	2019/8/15	🌐 Global 🇨🇳 China
Intel Lan driver ver:23.5.2	Windows® 10 64bit	480MB	2019/8/15	🌐 Global 🇨🇳 China
SATA Floppy Image ver:9.2.0.120	Windows® 10 64bit	356KB	2019/8/15	🌐 Global 🇨🇳 China
AMD RAIDXpert2 utility ver:9.2.0.120	Windows® 10 64bit	93.6MB	2019/8/15	🌐 Global 🇨🇳 China
Intel Thunderbolt driver ver:17.4.77.400	Windows® 10 64bit	5.99MB	2019/8/15	🌐 Global 🇨🇳 China
Intel Wireless Lan driver ver:21.10.1.2	Windows® 10 64bit	519MB	2019/8/15	🌐 Global 🇨🇳 China
ASRock Motherboard Utility ver:3.0.304	Windows® 10 64bit	50.1MB	2019/12/11	🌐 Global 🇨🇳 China
APP Shop ver:1.0.41	Windows® 10 64bit	3.28MB	2019/8/15	🌐 Global 🇨🇳 China
Norton Security ver:22.17.1.50	Windows® 10 64bit	232MB	2019/8/15	🌐 Global 🇨🇳 China
Restart to UEFI ver:1.0.6	Windows® 10 64bit	1.19MB	2019/8/15	🌐 Global 🇨🇳 China
ASRock Polychrome RGB ver:2.0.27	Windows® 10 64bit	67.45MB	2019/8/15	🌐 Global 🇨🇳 China
[Beta] ASRock Polychrome RGB ver:2.0.47	Windows® 10 64bit	92.5MB	2020/2/6	🌐 Global 🇨🇳 China

³ <http://smbus.org/specs/index.html> (Pgs. 15, 61, 62)



9. Determine if this device has a fixed slave address. If bits 127 and 126 of the UDID are 00b then it has a fixed address, so proceed to step 12. Otherwise proceed to step 10.
10. The device possesses a valid slave address. However, the ARP Master must check this address against the Used Address Pool to insure that no other device has already been assigned the same address. If the received Device Slave Address is found in the Used Address Pool then proceed to step 11. If not, then the device can keep its current slave address but needs acknowledgement from the ARP Master so proceed to step 12.
11. Select a slave address that is not in the Used Address Pool and proceed to step 12.
12. Send the "Assign Address" command with the UDID returned by the device in the "Get UDID" command packet.
13. Check for acknowledgement of all bytes in the "Assign Address" command packet. If any byte was not acknowledged then the ARP Master assumes the

- device is no longer present, proceed to step 6 to determine if there are more devices requiring address resolution. If all bytes were acknowledged then the ARP Master assumes that the device has accepted the address assignment; proceed to step 13.
14. The device now has a valid slave address. The ARP Master must add this address to the Used Address Pool. Proceed to step 6 to determine if there are more devices requiring address resolution.
15. The ARP Master checks to see if the received packet was the "Notify ARP Master" command. If so, then it must execute the ARP to resolve the address for the newly added device(s); proceed to step 6. If not, then proceed to step 16.
16. The ARP Master received a non-ARP related packet. Process it accordingly and proceed to step 5.

50. Defendants have and continue to indirectly infringe one or more claims of the '613 Patent by knowingly and intentionally inducing others, including ASRock 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 that utilize SMBus protocols, such as the ASRock X570 AQUA.

51. Defendants, with knowledge that these products, or the use thereof, infringe the '613 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 '613 Patent by providing these products to end users for use in an infringing manner.

52. 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 '613 Patent, but while remaining willfully blind to the infringement.

53. EGT has suffered damages as a result of Defendants' direct and indirect infringement of the '613 Patent in an amount to be proved at trial.

54. EGT has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '613 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

COUNT IV
(Infringement of the '799 Patent)

55. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

56. EGT has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '799 Patent.

57. Defendants have and continue to directly infringe the '799 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 '799 Patent. Such products include computer devices, such as laptops, desktops and servers that utilize rotatable magnetic media with an actuator arm, a flexible circuit arrangement with a flexible circuit stiffener, and a ramp arrangement that is directly attachable to the flexible circuit stiffener and is configured to receive the actuator arm. On information and belief, such ASRock products include at least the ASRock JUPITER and BEEBOX, BOX, IBOX, IEC PCs and Asrock servers including the EPYC, ROME, C2750, X470, C622, C621, TR-KNL, OCP3-1L, F, G, G+, 2T, 4L, WSI, WS,

C242, E3C2, and C246 servers that include one or more WD and/or HGST HDDs.

58. For example, Defendants have and continue to directly infringe at least claim 1 of the '799 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include an actuator arm, a flexible circuit arrangement with a flexible circuit stiffener, and a ramp arrangement that is directly attachable to the flexible circuit stiffener and is configured to receive the actuator arm, such as the HGST Travelstar 5k1500.

59. The Travelstar 5k1500 included in one or more ASRock computers and/or servers is a small computer system interface (SCSI) device or the equivalent thereof. The Travelstar 5k1500 is supported with an actuator arm, a flexible circuit arrangement with a flexible circuit stiffener, and a ramp arrangement that is directly attachable to the flexible circuit stiffener and is configured to receive the actuator arm.

60. Defendants have and continue to indirectly infringe one or more claims of the '799 Patent by knowingly and intentionally inducing others, including ASRock 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 laptops, desktops, and servers that utilize rotatable magnetic media with an actuator arm, a flexible circuit arrangement with a flexible circuit stiffener, and a ramp arrangement that is directly attachable to the flexible circuit stiffener and is configured to receive the actuator arm.

61. Defendants, with knowledge that these products, or the use thereof, infringe the '799 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 '799 Patent by providing these products to end users for use in an infringing manner.

62. 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 '799 Patent, but while remaining willfully blind to the infringement.

63. EGT has suffered damages as a result of Defendants' direct and indirect infringement of the '799 Patent in an amount to be proved at trial.

64. EGT has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '799 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

COUNT V
(Infringement of the '535 Patent)

65. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

66. EGT has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '535 Patent.

67. Defendants have and continue to directly infringe the '535 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 '535 Patent. Such products include computer devices, such as laptops, desktops and servers that utilize rotatable magnetic media with an actuator arm, an external serial interface, a host serial interface, and a serial router. On information and belief, such ASRock products include at least the ASRock JUPITER and BEEBOX, BOX, IBOX, IEC PCs and Asrock servers including the EPYC, ROME, C2750, X470, C622, C621, TR-KNL, OCP3-1L, F, G, G+, 2T, 4L, WSI, WS, C242, E3C2, and C246 servers that include one or more WD and/or HGST HDDs.

68. For example, Defendants have and continue to directly infringe at least claim 1 of the '535 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include an external serial interface, a host serial interface, and a serial router, such as the HGST Travelstar 5k1500.

69. The Travelstar 5k1500 included in one or more ASRock computers and/or servers is a small computer system interface (SCSI) device or the equivalent thereof. On information and belief, the Travelstar 5k1500 is supported with an actuator arm, an external serial interface, a host serial interface, and a serial router.

70. Defendants have and continue to indirectly infringe one or more claims of the '535 Patent by knowingly and intentionally inducing others, including ASRock 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 laptops, desktops, and servers that utilize rotatable magnetic media with an actuator arm, an external serial interface, a host serial interface, and a serial router.

71. Defendants, with knowledge that these products, or the use thereof, infringe the '535 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 '535 Patent by providing these products to end users for use in an infringing manner.

72. 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 '535 Patent, but while remaining willfully blind to the infringement.

73. EGT has suffered damages as a result of Defendants' direct and indirect

infringement of the '535 Patent in an amount to be proved at trial.

74. EGT has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '535 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, EGT 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 EGT 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 EGT 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: February 28, 2020

Respectfully submitted,

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