

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

LONGHORN HD LLC.,)	Case No.
)	
Plaintiff,)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
LSI CORPORATION,)	
)	
Defendant.)	
)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Longhorn HD LLC. (“LHD” or “Plaintiff”), for its Complaint against Defendant LSI Corporation (“LSI” or “Defendant”), alleges as follows:

THE PARTIES

1. LHD is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 203 East Travis Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant LSI is a corporation organized and existing under the laws of Delaware, with a regular and established place of business in this Judicial District, located 500 North Central Expressway, # 440, Plano, Texas 75074. Upon information and belief, LSI 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 Defendant. Defendant regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Venue is proper in this Judicial District as to Defendant Oracle pursuant to 28 U.S.C. § and 1400(b). LSI has a regular and established place of business in this Judicial District, including in Collin County, and is deemed to reside in this Judicial District. On information and belief, LSI has committed acts of infringement in this Judicial District, and/or has purposely transacted business involving the accused devices in this Judicial District including providing sales and technical support for the products accused of infringement herein.

6. Defendant is subject to this Court's jurisdiction at least due to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENT-IN-SUIT

7. On August 30, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,938,104 (the "'104 Patent") entitled "Removable Hard Drive Assembly, Computer with a Removable Hard Disk Drive, Method of Initializing and Operating a Removable Hard Drive." A true and correct copy of the '104 Patent is available at:

<http://pdfpiw.uspto.gov/.piw?Docid=06938104>.

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

9. LHD has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patent-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

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

11. The '104 Patent generally relates to hot-swappable ATA hard disk drives. The technology described in the '104 Patent was developed by Itzik Levy at Arco Computer Products, Inc. For example, the technology is implemented by infringing servers that utilize hot-swappable hard disk drives and solid state drives. Upon information and belief, LSI makes, uses, sells, and/or imports infringing RAID cards, such as the LSI MegaRAID SAS 9361-8i. Upon information and belief, these infringing LSI server products further include hot-swappable hard drive modules that are configured with Redundant Array of Multiple Disks ("RAID").

12. LSI has infringed and is continuing to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or import, products including RAID cards and associated software that infringes the Patent-in-Suit.

COUNT I
(Infringement of the '104 Patent)

13. Paragraphs 1 through 12 are incorporated by reference as if fully set forth herein.

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

15. Defendant has and continues to directly infringe the '104 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '104 Patent. Such products include servers that include hot-swappable ATA hard drive assemblies. On information and belief, the LSI RAID cards are used in infringing systems.

16. For example, Defendant has and continues to directly infringe at least Claim 13 of the '104 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include servers with hot-swappable hard drive assemblies. The LSI MegaRAID SAS 9361-8i Cards are computer devices that are included in computer systems formed with at least one standard drive bay and including a power supply and a drive controller conforming to the ATA standard, such as, for example, a serial ATA ("SATA") controller. The infringing servers also include a drive assembly fixedly mounted in said drive bay and connected to said power supply and to said drive controller, with said drive assembly having an opening formed therein. The infringing systems further include at least one removable cartridge having a hard drive device and being dimensioned for insertion into said opening formed in said drive assembly. For example, upon information and belief, the Adaptec Ultra160 and Ultra320 Family SCSI cards, such as the LSI MegaRAID SAS 9361-8i RAID Card, are used in systems that comprise servers which include hot swap bays and support the SATA standard (*e.g.* SAS). The infringing systems further include

a printed circuit board electronically connected between said hard drive device and said drive controller of the system host, said printed circuit board being programmed to modify an identification of the hard drive device and to said system host that said hard drive is a removable drive. For example, upon information and belief, the infringing servers, such as the LSI Logic RAID cards, such as the LSI MegaRAID SAS 9361-8i Card, include a printed circuit board that includes a PCIE slot for a dedicated RAID controller.

17. Defendant has and continues to indirectly infringe one or more claims of the '104 Patent by knowingly and intentionally inducing others, including LSI customers and end users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology such as servers with hot-swappable hard drives.

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

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

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

21. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '104 Patent for which there is no adequate remedy at law, unless

Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, LHD prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of the Patent-in-Suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patent-in-Suit;
- c. An order awarding damages sufficient to compensate LHD for Defendant's infringement of the Patent-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- d. Entry of judgment declaring that this case is exceptional and awarding LHD its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- e. Such other and further relief as the Court deems just and proper.

Dated: March 31, 2021

Respectfully submitted,

/s/ Vincent J. Rubino, III

Alfred R. Fabricant
NY Bar No. 2219392
Email: ffabricant@fabricantllp.com
Peter Lambrianakos
NY Bar No. 2894392
Email: plambrianakos@fabricantllp.com
Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@fabricantllp.com

FABRICANT LLP
411 Theodore Fremd Road, Suite 206 South

Rye, New York 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796

John Andrew Rubino
NY Bar No. 5020797
Email: jarubino@rubinoip.com
830 Morris Turnpike

RUBINO IP
Short Hills, New Jersey 07078
Telephone: (973) 535-0920
Facsimile (973) 535-0921

Justin Kurt Truelove
Texas Bar No. 24013653
Email: kurt@truelovelawfirm.com
TRUELOVE LAW FIRM, PLLC
100 West Houston Street
Marshall, Texas 75670
Telephone: (903) 938-8321
Facsimile: (903) 215-8510

**ATTORNEYS FOR PLAINTIFF,
LONGHORN HD LLC.**