

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

FOOTHILLS IP LLC,

Plaintiff

v.

RENT-A-CENTER, INC.,

Defendant

No. 2:21-cv-00155-JRG-RSP

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Foothills IP LLC (“Foothills” or “Plaintiff”) files this Complaint for patent infringement against Rent-A-Center, Inc. (“Rent-A-Center” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 et seq.

PARTIES

2. Foothills is a limited liability company organized and existing under the laws of the State of Colorado.

3. Upon information and belief, Rent-A-Center is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 5501 Headquarters Dr., Plano, TX 75024, and can be served through its registered agent, the Corporation Trust Company at Corporation Trust Center 1209 Orange St.,

Wilmington, DE 19801. Upon information and belief, Defendant uses, sells, and leases products and provides services throughout the United States, including in this judicial district.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because, among other things, Defendant has committed and/or participated in the commission of patent infringement in violation of 35 U.S.C. § 271 in this judicial district and elsewhere that led to harm and injury to Plaintiff.

6. Venue is proper in this District under 28 U.S.C. § 1400(b). Defendant is registered to do business in Texas, and on information and belief, Defendant has performed activities (including using the Accused Products (defined below)) that infringe the Patent. Defendant has a regular and established place of business in this District.

OVERVIEW OF THE ACCUSED PRODUCTS

7. Defendant used Accused Products (defined below) in the United States during the time period from April 30, 2015 to July 22, 2017. Defendant's use of the Accused Products includes use by its employees and contractors, internal testing and evaluation, and leasing of computer devices (including Accused Products) to third parties, during the above referenced time period and within the United States.

8. Whenever any of the Accused Products was used by itself, or by its lessees, Defendant controlled the operation and use of the Accused Product.

**COUNT I
(Infringement of U.S. Patent No. 6,057,862)**

9. Plaintiff incorporates the above paragraphs as though fully set forth herein.

10. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,057,862 (the “’862 Patent” or the “Patent”), which issued on May 2, 2000. A copy of the ’862 Patent is attached as Exhibit 1.

11. The ’862 Patent was duly issued in full compliance with Title 35 of the United States Code.

12. Defendant has infringed one or more claims of the ’862 Patent under 35 U.S.C. § 271 by using the Accused Products in the United States without authority, as described herein.

13. Claim 15 of the ’862 Patent recites:

15. A method for organizing a computer system having a common display memory and main memory, comprising:

providing a plurality of memory subsystems within said common display memory and main memory, each memory subsystem having a dedicated memory channel;

providing a memory channel data switch and controller (DSC) unit coupled to each of said memory subsystems through said dedicated memory channels; and

providing a plurality of processor and/or peripheral subsystems including a graphics/drawing and display (GDD) subsystem and a central processing unit (CPU) subsystem controller unit, each of said processor and/or peripheral subsystems coupled to said memory channel data switch and controller unit;

wherein said providing a plurality of processor and/or peripheral subsystems including a graphics/drawing and display (GDD) subsystem and a central processing unit (CPU) subsystem controller unit, each of said processor and/or peripheral subsystems coupled to said memory channel data switch and controller unit.

14. Defendant has infringed at least claim 15 of the '862 Patent.

15. The Accused Products include computers (that include a GPU) used (including internal use and leasing to third parties) by Defendant during the above identified time period. Examples of such computers are computers with the following brand names: Acer, Asus, Lenovo, HP, and MSI. A specific list of exemplary computers is the following: Asus 15.6" FHD Gaming Laptop GL551JW-DS71, Acer Aspire 17.3" HD+ Widescreen Laptop Computer ES1-711-C9ZU, Asus Flip 15.6" 2 in 1 Touchscreen Laptop Computer R554LA-RH3BG, Asus 15.6" Notebook Computer D550MAV-BAG, Acer 15.6" Laptop and 7" Tablet Bundle ES-521-B1770, Lenovo 15.6" HD Laptop Computer 80MJ00GTUSBG, Asus 15.6" FHD Gaming Laptop GL551JW-DS71, Asus 15.6" HD Touchscreen Notebook Computer K553MADB01TQ, HP 15.6" HD Laptop and 7" Tablet Bundle 15G170S7BUN, Acer 14" 2-in-1 Touchscreen Notebook Computer R3-431T-C8BG, Acer Aspire 14" HD Touchscreen Notebook Computer R3-431T-C289, Acer Aspire 11.6" Touchscreen Convertible Laptop R3-131T-C8BG, Acer 11.6" 2-in-1 Touchscreen Laptop R3-131T-C4BG, Asus 17.3" HD+ Touchscreen Laptop Computer, HP 15.6" HD Laptop and 7" Tablet Bundle, Asus 15.6" HD Notebook Computer, Acer Aspire 15.6" HD Touchscreen Laptop Computer, Acer Aspire 21.5" Touchscreen All-in-One Computer, Acer Aspire 17.3" HD+ Widescreen Laptop Computer, Acer Aspire 21.5" Touchscreen All-in-One

Computer, Acer Aspire 19.5" HD+ All-in-One Computer and Asus 10.1" Transformer Book, and the MSI 15.6" Gaming Laptop.

16. Defendant used at least one of the above-referenced computers during the above referenced time period.

17. Defendant leased to others at least one of the Accused Products during the above referenced time period.

18. Accused GPU Component means NVIDIA DGX-1 and Tesla P100 products, as well as all iterations, versions and variants of these products having the same relevant functionality, including the same (or similar) functionality noted herein. Referring to Exhibit 2, the charted exemplary Accused GPU Component, which is included in Defendant computers, is representative. The chart should therefore be viewed and understood as illustrating implementation as to not only an exemplary Accused Product, but also each of the Accused Products. *See* the attached claim chart in Exhibit 2.

19. The Accused Products, when used during the above referenced time period, provided a plurality of memory subsystems within a common display memory and main memory, each memory subsystem having a dedicated memory channel. *See* Exhibit 2.

20. The Accused Products, when used during the above referenced time period, provided a memory channel data switch and controller (DSC) unit coupled to each of said memory subsystems through said dedicated memory channels. *See* Exhibit 2.

21. The Accused Product, when used during the above referenced time period, provided a plurality of processor and/or peripheral subsystems including a graphics/drawing and display (GDD) subsystem and a central processing unit (CPU) subsystem controller unit. Each of the processor and/or peripheral subsystems were coupled to the memory channel data switch and controller unit. *See Exhibit 2.*

22. Referring to the Accused Products, each processor and/or peripheral subsystem was coupled to the memory channel data switch and the controller unit. *See Exhibit 2.*

23. Defendant's use of the Accused Products, within the United States and during the above referenced time period, satisfies each and every element of at least claim 15 of the '862 Patent. Thus, Defendant has infringed at least claim 15 of the '862 Patent, either literally or under the doctrine of equivalents.

24. By using the Accused Products, in the United States and during the above defined time period, Defendant has injured Plaintiff and is liable for infringement of the '862 Patent pursuant to 35 U.S.C. § 271. As a result of Defendant's infringement of the '862 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for such infringement, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

25. Plaintiff has been damaged by Defendant's infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. declaring that the Defendant has infringed the '862 Patent (the "Patent");
2. awarding Plaintiff damages suffered as a result of Defendant's infringement of the '862 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Under Fed. R. Civ. P. 38, Plaintiff demands trial by jury.

Dated: July 6, 2021

Respectfully submitted,

/s/ Isaac Rabicoff
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ATTORNEYS FOR PLAINTIFF