

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

ELITE GAMING TECH LLC,)	
)	
Plaintiff,)	Case No.
)	
v.)	<u>JURY TRIAL DEMANDED</u>
)	
LSI CORPORATION,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Elite Gaming Tech LLC (“EGT” or “Plaintiff”) for its Complaint against Defendant LSI Corporation (“LSI” or “Defendant”), 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 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, TX 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 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 as to Defendant LSI pursuant to 28 U.S.C. § 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 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 July 1, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. RE40,413 (the "'413 Patent") entitled "Method and Apparatus for Developing a Dynamic Servo Signal from Data" A true and correct copy of the '413 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=RE040413>.

8. On April 30, 2002, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,381,088 (the "'088 Patent") entitled "Apparatus for Developing a Dynamic Servo Signal From Data in a Magnetic Disc Drive and Method" A true and correct

copy of the '088 Patent is available at: <http://pdfpiw.uspto.gov/.piw?Docid=06381088>.

9. EGT is the sole and exclusive owner of all right, title, and interest in the '413 Patent, and the '088 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.

10. 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

11. The Patents-in-Suit generally cover systems and methods for use in mobile devices, laptops, and phones.

12. The '413 and '088 Patents relates to computer devices which use information about the extent of errors in sensed data for performing as a control function adjusting the position of a magnetic head and selecting from data signals with the least amount of errors shown. The technology described in the '413 and '088 Patents were developed by Alvin M. Despain and R. Stockton Gaines. For example, the technology is implemented by error correction, such as low density parity check code ("LDPC code") use in storage devices.

13. In a 2014 article, Kent Smith from LSI stated "LSI's first implementation of LDPC codes was to correct errors in the magnet media of hard disk drives. LSI TrueStore read channels with LDPC iterative decoding technology have been shipping in high volume for HDDs since 2010. This experience and engineering expertise are leveraged in SHIELD error correction

technology.”¹

14. LSI has infringed 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 but not limited to LSI products which utilize LDPC code for error correcting technology within storage devices.

COUNT I
(Infringement of the '413 Patent)

15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth herein.

16. EGT has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '413 Patent.

17. Defendant has directly infringed the '413 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 '413 Patent. On information and belief, such products include LSI products which utilize LDPC code for error correcting technology within storage devices, such as LSI TrueStore HDD storage ICs.

18. For example, Defendant has directly infringed at least claim 28 of the '413 Patent by making, using, offering to sell, selling, and/or importing into the United States products that utilize LDPC code for error correcting technology within storage devices.

19. On information and belief, the accused LSI products such as the TrueStore HDD storage ICs perform a method for reading and writing data in a storage system comprising: positioning a read element with respect to a first storage medium storing data to be sensed;

¹ <https://www.electronicdesign.com/technologies/memory/article/21799573/interview-kent-smith-addresses-error-correction-and-flash-storage-technology>

positioning a write element with respect to a second storage medium for writing data, the write element and the read element having a predefined spatial relationship with respect to each other. Upon information and belief, the accused LSI products further sense the first storage medium with the read element to generate a first signal representative of stored data containing at least one constraint and errors introduced during the sensing from the first signal. Upon information and belief, the accused products further extract a data signal and generating a control signal containing information about an extent of errors in the first signal; determine a direction of a position error correction from the first signal; and based on the control signal and the direction of the position error correction, simultaneously adjusting the positions of the read and write elements with respect to the first and second storage media, respectively, while maintaining the redefined spatial relationship between the read and write elements.

20. Defendant has indirectly infringed one or more claims of the '413 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 a motion sensor to detect motion in one or more of six fields.

21. Defendant, with knowledge that these products, or the use thereof, infringed the '413 Patent at least as early as August 19, 2014², knowingly and intentionally induced direct infringement of the '413 Patent by providing these products to end users for use in an infringing manner.

22. Defendant induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high

² The '413 Patent family was cited against LSI's own U.S. Patent Application No. 13/021,814, which issued as U.S. Patent No. 8,810,940 on August 19, 2014.

probability that others, including end users, infringe the '413 Patent, but while remaining willfully blind to the infringement.

23. EGT has suffered damages as a result of Defendant's infringement of the '413 Patent in an amount to be proved at trial.

COUNT II
(Infringement of the '088 Patent)

24. Paragraphs 1 through 14 are incorporated by reference as if fully set forth herein.

25. EGT has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '088 Patent.

26. Defendant has directly infringed the '088 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 '088 Patent. On information and belief, such products include LSI products which utilize LDPC code for error correcting technology within storage devices, such as LSI TrueStore HDD storage ICs.

27. For example, Defendant has directly infringed at least claim 23 of the '088 Patent by making, using, offering to sell, selling, and/or importing into the United States products that utilize LDPC code for error correcting technology within storage devices.

28. On information and belief, the accused LSI products such as the TrueStore HDD storage ICs perform a method for using information about an extent of errors in a storage system comprising: positioning a transducer for sensing data from storage locations in a storage system having stored data containing at least one constraint; producing from the transducer a first signal representative of the sensed data containing the at least one constraint from the storage locations and information about errors in the sensed data. Upon information and belief, the accused

products further generate in response to the first signal a control signal containing information about the extent of errors in the sensed data; extract from the first signal a data signal; and receive the control signal and performing a control function in response thereto to reduce a position error of the transducer by an amount determined by the extent of errors in the sensed data, the control function being performed as the first signal is produced.

29. Defendant has indirectly infringed one or more claims of the '088 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 a motion sensor to detect motion in one or more of six fields.

30. Defendant, with knowledge that these products, or the use thereof, infringed the '088 Patent at least as of as early as August 19, 2014³, knowingly and intentionally induced direct infringement of the '088 Patent by providing these products to end users for use in an infringing manner.

31. Defendant induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '088 Patent, but while remaining willfully blind to the infringement.

32. EGT has suffered damages as a result of Defendant's infringement of the '088 Patent in an amount to be proved at trial.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

³ The '088 Patent family was cited against LSI's own U.S. Patent Application No. 13/021,814, which issued as U.S. Patent No. 8,810,940 on August 19, 2014.

PRAYER FOR RELIEF

WHEREFORE, EGT prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;
- b. An order awarding damages sufficient to compensate EGT for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- c. 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
- d. Such other and further relief as the Court deems just and proper.

Dated: August 27, 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 Avenue, Suite 206 South
Rye, NY 10580

Telephone: (212) 257-5797

Facsimile: (212) 257-5796

John Andrew Rubino

NY Bar No. 5020797

Email: jarubino@rubinoip.com

RUBINO LAW LLC

830 Morris Turnpike

Short Hills, NJ, 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
Marshall, Texas 75670
Telephone: 903-938-8321
Facsimile: 903-215-8510

**ATTORNEYS FOR PLAINTIFF,
ELITE GAMING TECH LLC.**