

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

COBBLESTONE WIRELESS, LLC,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY, ARUBA NETWORKS, LLC

Defendants.

Case No. 2:23-cv-00457

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cobblestone Wireless, LLC (“Cobblestone”) files this complaint against Defendants Hewlett Packard Enterprise Company and Aruba Networks, LLC (collectively, “Defendants” or “HPE”) alleging infringement of U.S. Patent No. 7,924,802 (the “802 patent”) (the “Patent-in-Suit” or “Asserted Patent”).

Plaintiff Cobblestone and the Patent-in-Suit

1. Plaintiff Cobblestone Wireless, LLC is a limited liability company organized under the laws of the State of Texas, with an address at 101 E. Park Blvd., Suite 600, Plano, Texas 75074.
2. Defendant Hewlett Packard Enterprise Company is a corporation organized under the laws of the State of Delaware, with its principal place of business at 1701 E Mossy Oaks Road, Spring, Texas 77389. Hewlett Packard Enterprise Company has as its registered agent for service: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136. Hewlett Packard Enterprise Company has been registered to do business in the state of Texas under Texas SOS file number 802175187.

3. Defendant Aruba Networks, LLC is a limited liability company organized under the laws of the State of Delaware, with its principal place of business at 6280 America Center Dr., San Jose, CA 95002. Aruba Networks, LLC has as its registered agent for service: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. Aruba Networks, LLC has been registered to do business in the state of Texas under Texas SOS file number 800797680. On information and belief, Aruba Networks, LLC is a wholly owned subsidiary of Defendant Hewlett Packard Enterprise Company.

Jurisdiction and Venue

4. 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).

5. This Court has personal jurisdiction over HPE in this action because HPE has committed acts of infringement within this District giving rise to this action, has a regular and established place of business in this District, and has established minimum contacts with this forum such that the exercise of jurisdiction over HPE would not offend traditional notions of fair play and substantial justice. HPE, directly and/or through subsidiaries or intermediaries, conducts its business extensively throughout Texas, by shipping, distributing, offering for sale, selling, and advertising its products and/or services in the State of Texas and the Eastern District of Texas, regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from products and/or services provided to individuals in the State of Texas, and commits acts of infringement of Plaintiff's Patent in this District by, among other things, making, using, importing, offering to sell, and selling products and/or services that infringe the Asserted

Patent, including without limitation the 802.11ac and 802.11ax-compliant station and access point products accused of infringement in this case offered by HPE.

6. HPE, directly and/or through subsidiaries or intermediaries, has purposefully and voluntarily placed one or more products and/or services in the stream of commerce that practice the Asserted Patent with the intention and expectation that they will be purchased and used by consumers in the Eastern District of Texas. These products and/or services have been and continue to be purchased and used in the Eastern District of Texas.

7. Venue as to HPE is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, HPE resides in this District and/or has committed acts of infringement and has a regular and established place of business in this District.

8. For example, HPE has regular and established places of business in the Eastern District of Texas, including at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024.

Count 1 – Claim for infringement of the '802 patent.

9. Cobblestone incorporates by reference each of the allegations in paragraphs 1–8 above and further alleges as follows:

10. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 7,924,802 (the "'802 Patent"), entitled "Wireless Communication Systems and Methods." The '802 Patent was duly and legally issued by the United States Patent and Trademark Office on April 12, 2011. A true and correct copy of the '802 Patent is attached as Exhibit 1.

11. On information and belief, HPE makes, uses, offers for sale, sells, and/or imports certain products ("Accused Instrumentalities"), including 802.11ac and 802.11ax-compliant station and access point products that support 80+80 MHz channel width, including without limitation Aruba

650 Series Wi-Fi 6E Campus Access Points, that directly infringe, literally and/or under the doctrine of equivalents, at least Claim 1 of the '802 Patent.

12. HPE also knowingly and intentionally induces infringement of at least Claim 1 of the '802 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, HPE has had knowledge of the '802 Patent and the infringing nature of the Accused Instrumentalities. Despite this knowledge of the '802 Patent, HPE continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website) to use the Accused Instrumentalities in ways that directly infringe the '802 Patent. HPE does so knowing and intending that its customers and end users will commit these infringing acts. HPE also continues to make, use, offer for sale, sell, and/or import the Accused Instrumentalities, despite its knowledge of the '802 Patent, thereby specifically intending for and inducing its customers to infringe the '802 Patent through the customers' normal and customary use of the Accused Instrumentalities.

13. HPE has also infringed, and continue to infringe, at least Claim 1 of the '802 Patent by selling, offering for sale, or importing into the United States, the Accused Instrumentalities, knowing that the Accused Instrumentalities constitute a material part of the inventions claimed in the '802 Patent, are especially made or adapted to infringe the '802 Patent, and are not staple articles or commodities of commerce suitable for non-infringing use. HPE has been, and currently is, contributorily infringing the '802 Patent in violation of 35 U.S.C. §§ 271(c) and (f).

14. The Accused Instrumentalities satisfy all claim limitations of one or more claims of the '802 Patent. A claim chart comparing independent claim 1 of the '802 Patent to representative Accused Instrumentalities is attached as Exhibit 2.

15. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, HPE has injured Plaintiff and are liable for infringement of the '802 Patent pursuant to 35 U.S.C. § 271.

16. As a result of HPE's infringement of the '802 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for HPE's infringement, but in no event less than a reasonable royalty for the use made of the invention by HPE, together with interest and costs as fixed by the Court.

Jury Trial Demanded

17. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Cobblestone requests a trial by jury of any issues so triable by right.

Prayer for Relief

Plaintiff Cobblestone respectfully requests the following relief from this Court:

- A. A judgment in favor of Cobblestone that HPE has infringed, either literally and/or under the doctrine of equivalents, the '802 Patent, and that the '802 Patent are valid, enforceable, and patent-eligible;
- B. A judgment and order requiring HPE to pay Cobblestone compensatory damages, costs, expenses, and pre-judgment and post-judgment interest for its infringement of the Asserted Patent, as provided under 35 U.S.C. § 284;
- C. Any and all injunctive and/or equitable relief to which Cobblestone may be entitled including, but not limited to, ongoing royalties with respect to HPE's infringement of the '802 Patent;
- D. A judgment and order requiring HPE to provide an accounting and to pay supplemental damages to Cobblestone, including, without limitation, pre-judgment and post-judgment interest;

E. A judgment and order finding that this case is exceptional under 35 U.S.C. § 285, and an award of Cobblestone's reasonable attorney's fees and costs; and

F. Any and all other relief to which Cobblestone may be entitled.

Dated: September 29, 2023

Respectfully submitted,

/s/ Reza Mirzaie

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