

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

APPRO INTERNATIONAL, INC.,
CLEARCUBE TECHNOLOGY, INC., DELL
INC., FUJITSU AMERICA, INC., HITACHI
AMERICA, LTD., HEWLETT-PACKARD
CO., INTERNATIONAL BUSINESS
MACHINES CORP., NEC CORP. OF
AMERICA, NEX COMPUTERS, INC., SUN
MICROSYSTEMS, INC., and SUPER
MICRO COMPUTER, INC.

Defendants.

**SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

CASE NO. 6:09-cv-00148

Jury Trial Demanded

Plaintiff ACQIS LLC (“ACQIS”) complains against Defendants Appro International, Inc. (“Appro”), ClearCube Technology, Inc. (“ClearCube”), Dell Inc. (“Dell”), Fujitsu America, Inc. f/k/a Fujitsu Computer Systems Corp. (“Fujitsu”), Hitachi America, Ltd. (“Hitachi”), Hewlett-Packard Co. (“HP”), International Business Machines Corp. (“IBM”), NEC Corp. of America (“NEC”), NEX Computers, Inc. (“NEXCOM”), Sun Microsystems, Inc. (“Sun”), and Super Micro Computer, Inc. (“Supermicro”) (together, the “Defendants”) as follows:

THE PARTIES

1. Plaintiff ACQIS LLC (“ACQIS”) is a limited liability corporation organized under the laws of Texas, with a principal place of business at 411 Interchange Street, McKinney, Texas, 75071.

2. Defendant Appro is a corporation organized under the laws of California, having its principal place of business in Milpitas, California. Appro has appointed its agent for service of process in Texas as follows: Joon Chae, 71 Degas Park Drive, The Woodlands, TX 77382.

3. Defendant ClearCube is a corporation organized under the laws of Delaware, having its principal place of business in Austin, Texas. ClearCube has appointed its agent for service of process in Texas as follows: CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

4. Defendant Dell is a corporation organized under the laws of Delaware, having its principal place of business in Round Rock, Texas. Dell has appointed its agent for service of process in Texas as follows: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

5. Defendant Fujitsu is a corporation organized under the laws of California, having its principal place of business in Sunnyvale, California. Fujitsu has appointed its agent for service of process in Texas as follows: CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

6. Defendant Hitachi is a corporation organized under the laws of New York, having its principal place of business in Tarrytown, New York. Hitachi has appointed its agent for service of process in Texas as follows: Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, TX 78701.

7. Defendant HP is a corporation organized under the laws of Delaware, having its principal place of business in Palo Alto, California. HP has appointed its agent for service of process in Texas as follows: CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

8. Defendant IBM is a corporation organized under the laws of New York, having its principal place of business in Armonk, New York. IBM has appointed its agent for service of process as in Texas follows: CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201.

9. Defendant NEC is a corporation organized under the laws of Delaware, having its principal place of business in Irving, Texas. NEC has appointed its agent for service of process in Texas as follows: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

10. Defendant NEXCOM is a corporation organized under the laws of California, having its principal place of business in Fremont, California. NEXCOM has appointed its agent for service of process as follows: Mao-Chang Lin, 3758 Spinnaker Ct., Fremont, CA 94538.

11. Defendant Sun is a corporation organized under the laws of Delaware, having its principal place of business in Santa Clara, California. Sun has appointed its agent for service of process in Texas as follows: Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

12. Defendant Supermicro is a corporation organized under the laws of Delaware, having its principal place of business in San Jose, California. Supermicro has appointed its agent for service of process as follows: Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, DE 19901.

JURISDICTION AND VENUE

13. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

14. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

15. On information and belief, this Court has personal jurisdiction over the Defendants in that each of them has committed acts within Texas and this judicial district which give rise to this action, and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over these Defendants would not offend traditional notions of fair play and substantial justice.

16. On information and belief, each of the Defendants has committed acts within this judicial district giving rise to this action, including selling and offering for sale goods that infringe the patents-in-suit and regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

17. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

THE PATENTS-IN-SUIT

18. On April 10, 2001, United States Patent No. 6,216,185 (“the ‘185 Patent”) entitled “Personal Computer Peripheral Console With Attached Computer Module” issued to William W.Y. Chu. (A copy of the ‘185 Patent is attached hereto as Exhibit A.) The entire right, title and interest to the ‘185 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘185 Patent.

19. On April 6, 2004, United States Patent No. 6,718,415 (“the ‘8,415 Patent”) entitled “Computer System and Method Including Console Housing Multiple Computer Modules Having Independent Processing Units, Mass Storage Devices, and Graphics Controllers” issued to William W.Y. Chu. (A copy of the ‘8,415 Patent is attached hereto as Exhibit B.) The entire right, title and interest to the ‘8,415 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘8,415 Patent.

20. On August 29, 2006, United States Patent No. 7,099,981 (“the ‘981 Patent”) entitled “Multiple Module Computer System and Method” issued to William W.Y. Chu. (A copy of the ‘981 Patent is attached hereto as Exhibit C.) The entire right, title and interest to the ‘981 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘981 Patent.

21. On December 5, 2006, United States Patent No. 7,146,446 (“the ‘446 Patent”) entitled “Multiple Module Computer System and Method” issued to William W.Y. Chu. (A copy of the ‘446 Patent is attached hereto as Exhibit D.) The entire right, title and interest to the ‘446 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘446 Patent.

22. On February 5, 2008, United States Patent No. 7,328,297 (“the ‘297 Patent”) entitled “Computer System Utilizing Multiple Computer Modules Functioning Independently” issued to William W.Y. Chu. (A copy of the ‘297 Patent is attached hereto as Exhibit E.) The entire right, title and interest to the ‘297 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘297 Patent.

23. On April 22, 2008, United States Patent No. 7,363,415 (“the ‘3,415 Patent”) entitled “Computer System Utilizing Multiple Computer Modules with Serial Interface” issued to William W.Y. Chu. (A copy of the ‘3,415 Patent is attached hereto as Exhibit F.) The entire right, title and interest to the ‘3,415 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the ‘3,415 Patent.

24. On April 22, 2008, United States Patent No. 7,363,416 (“the ‘416 Patent”) entitled “Computer System Utilizing Multiple Computer Modules with Password Protection” issued to William W.Y. Chu. (A copy of the ‘416 Patent is attached hereto as Exhibit G.) The

entire right, title and interest to the '416 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the '416 Patent.

25. On May 20, 2008, United States Patent No. 7,376,779 ("the '779 Patent") entitled "Multiple Module Computer System and Method" issued to William W.Y. Chu. (A copy of the '779 Patent is attached hereto as Exhibit H.) The entire right, title and interest to the '779 Patent has been assigned to ACQIS. ACQIS is the owner and possessor of all rights pertaining to the '779 Patent.

THE PRODUCTS

Personal Blade Workstation Products

26. A personal blade workstation is a single, modular circuit board that contains the necessary components of a fully-operational personal computer and can be stored with other similar circuit boards in a housing. Each user of a personal blade workstation has access to a single circuit board.

27. ClearCube's personal blade workstation products include at least its R-, V-, T-, and A-Series products. On information and belief, ClearCube has made, used, offered to sell and/or sold personal blade workstation products in the United States, or imported personal blade workstation products into the United States, including at least its R-, V-, T-, and A-Series products.

28. HP's personal blade workstation products include at least its HP BladeSystem bc2200 and bc2800 Blade PC products. On information and belief, HP has made, used, offered to sell and/or sold personal blade workstation products in the United States, or imported personal blade workstation products into the United States, including at least its HP BladeSystem bc2200 and bc2800 Blade PC products.

29. IBM's personal blade workstation products include at least its HC10 Blade Workstation products. On information and belief, IBM has made, used, offered to sell and/or sold personal blade workstation products in the United States, or imported personal blade workstation products into the United States, including at least its HC10 Blade Workstation products.

Blade Server Products

30. A blade server is a self-contained computer chassis or enclosure that houses multiple thin, modular electronic boards, known as server blades. Blade servers allow more processing power in less rack space, simplifying cabling and reducing power consumption as compared to traditional servers.

31. Appro's blade server products include at least its XtremeBlade products. Appro has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its XtremeBlade products.

32. ClearCube's blade server products include at least its R-, V-, and T-Series products. ClearCube has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its R-, V-, and T-Series products.

33. Dell's blade server products include at least its PowerEdge M1000e, PowerEdge 1655MC PowerEdge 1855, and PowerEdge 1955 products. Dell has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its PowerEdge M1000e, PowerEdge 1655MC PowerEdge 1855, and PowerEdge 1955 products.

34. Fujitsu's blade server products include at least its Primergy BX products. Fujitsu has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its Primergy BX products.

35. Hitachi's blade server products include at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products. Hitachi has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

36. HP's blade server products include at least its BladeSystem c-Class products, BladeSystem p-Class products, RLX 300ex, and RLX 600ex products. HP has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its BladeSystem c-Class products, BladeSystem p-Class products, RLX 300ex and RLX 600ex products.

37. IBM's blade server products include at least its BladeCenter E, H, S, T, and HT products. IBM has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its BladeCenter E, H, S, T, and HT products.

38. NEC's blade server products include at least its FlexPower Server, SigmaBlade H and SigmaBlade M products. NEC has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its FlexPower server, SigmaBlade H and SigmaBlade M products.

39. Nexcom's blade server products include at least its NexBlade HiServer products. Nexcom has made, used, offered to sell and/or sold blade server products in the United States, or

imported blade server products into the United States, including at least its NexBlade HiServer products.

40. Sun's blade server products include at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products. Sun has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

41. Supermicro's blade server products include at least its SuperBlade products. Supermicro has made, used, offered to sell and/or sold blade server products in the United States, or imported blade server products into the United States, including at least its SuperBlade products.

**FIRST CAUSE OF ACTION
(INFRINGEMENT OF THE '185 PATENT)
Against ClearCube, HP, and IBM**

42. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 41.

43. ACQIS is the sole holder of the entire right, title and interest in the '185 Patent.

44. Products embodying the invention of the '185 Patent have been marked in compliance with 35 U.S.C. § 287(a).

45. On information and belief, ClearCube has directly infringed the '185 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, personal blade workstation products, including at least its R-, V-, T-, and A-Series products, which are covered by at least claims 7, 8, 11, 13-15, 18, 20, 38 and 40 of the '185 Patent. On information and belief, ClearCube has also actively induced

and/or contributed to the infringement by others of the '185 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing personal blade workstation products, including at least its R-, V-, T-, and A-Series products.

46. On information and belief, HP has directly infringed the '185 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, personal blade workstation products, including at least its HP BladeSystem bc2200 and bc2800 Blade PC products, which are covered by at least claims 7, 8, 11, 13-15, 20, 37, and 39 of the '185 Patent. On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '185 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing personal blade workstation products, including at least its HP BladeSystem bc2200 and bc2800 Blade PC products.

47. On information and belief, IBM has directly infringed the '185 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, personal blade workstation products, including at least its HC10 Blade Workstation products, which are covered by at least claims 7, 8, 11, 13, 14, 20, 37, and 39 of the '185 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '185 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing personal blade workstation products, including at least its HC10 Blade Workstation products.

48. As a result of infringement of the '185 Patent by ClearCube, HP, and IBM, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, this infringement will continue and will result in further irreparable harm to ACQIS.

49. ACQIS is entitled to recover damages from ClearCube, HP, and IBM not less than a reasonable royalty adequate to compensate for the infringement.

**SECOND CAUSE OF ACTION
(INFRINGEMENT OF THE '8,415 PATENT)
Against All Defendants**

50. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 49.

51. ACQIS is the sole holder of the entire right, title and interest in the '8,415 Patent.

52. On information and belief, Appro has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 1 and 5-9 of the '8,415 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

53. On information and belief, ClearCube has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 1-3, 5-10, and 13 of the '8,415 Patent. On

information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

54. On information and belief, Dell has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

a) PowerEdge M1000e products, which are covered by at least claims 1 and 5-13 of the '8,415 Patent;

b) PowerEdge 1655MC products, which are covered by at least claims 1, 5, and 6 of the '8,415 Patent;

c) PowerEdge 1855 products, which are covered by at least claims 1 and 5-9 of the '8,415 Patent; and

d) PowerEdge 1955 products, which are covered by at least claims 1 and 5-9 of the '8,415 Patent.

On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1655MC, PowerEdge 1855 and PowerEdge 1955 products.

55. On information and belief, Fujitsu has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or

importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 1, 2, 3, and 5-13 of the '8,415 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

56. On information and belief, Hitachi has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 1, 3, 5-10, and 13 of the '8,415 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

57. On information and belief, HP has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 1-9 of the '8,415 Patent;

b) BladeSystem p-Class products, which are covered by at least claims 1 and 5-9 of the '8,415 Patent; and

c) RLX 300ex and RLX 600ex products, which are covered by at least claims 1, 5 and 6 of the '8,415 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class, BladeSystem p-Class, RLX 300ex, and RLX 600ex products.

58. On information and belief, IBM has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 1-9 of the '8,415 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

59. On information and belief, NEC has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 5-9 of the '8,415 Patent. On information and belief, NEC has also actively induced and/or contributed to

the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

60. On information and belief, Nexcom has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 1, 3, 5-10 and 13 of the '8,415 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

61. On information and belief, Sun has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 1, 3, 5-10, and 13 of the '8,415 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

62. On information and belief, Supermicro has directly infringed the '8,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 1, 3, 5-10, and 13 of the '8,415 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '8,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

63. As a result of Defendants' infringement of the '8,415 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement of the '8,415 Patent will continue and will result in further irreparable harm to ACQIS.

64. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**THIRD CAUSE OF ACTION
(INFRINGEMENT OF THE '981 PATENT)
Against All Defendants**

65. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 64.

66. ACQIS is the sole holder of the entire right, title and interest in the '981 Patent.

67. On information and belief, Appro has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade

products, which are covered by at least claims 17, 18, 25, 33-36, 51-53, 61-64, 66, 68, 70 and 76 of the '981 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

68. On information and belief, ClearCube has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 1, 4, 6, 7, 25, 26, 33-37, 51, 52, 54, 55, 76, 77, 79-81 of the '8,415 Patent. On information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

69. On information and belief, Dell has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) PowerEdge M1000e products, which are covered by at least claims 17, 18, 25, 33-36, 51-53, 61-69, 76, 77, 79 and 80 of the '981 Patent;
- b) PowerEdge 1655MC products, which are covered by at least claims 25, 33-36, 51, 61, 63, 65, 76, 77, and 80 of the '981 Patent;

c) PowerEdge 1855 products, which are covered by at least claims 25, 33-36, 51-53, 61, 63, 65-69, 76, 77, 79, and 80 of the '981 Patent; and

d) PowerEdge 1955 products, which are covered by at least claims 25, 33-36, 51-53, 61, 63, 65-69, 76, 77, 79, and 80 of the '981 Patent.

On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1655MC, PowerEdge 1855 and PowerEdge 1955 products.

70. On information and belief, Fujitsu has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 1, 4, 6, 7, 17, 18, 25, 26, 33, 37, 51, 52, 54, 55, 61-69, 76, 77, and 79-81 of the '981 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

71. On information and belief, Hitachi has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 1, 4, 6, 7, 25, 26, 33-37, 51, 52, 54, 55, 61-69, 76, 77, and 79-81 of the '8,415 Patent. On

information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

72. On information and belief, HP has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 1, 4, 17, 18, 25, 26, 33-38, 51, 52, 61-70, 76, 77, 79, 80, and 81 of the '981 Patent;
- b) BladeSystem p-Class products, which are covered by at least claims 25, 26, 33, 35-37, 51, 52, and 61-65 of the '981 Patent; and
- c) RLX 300ex and RLX 600ex products, which are covered by at least claims 25, 51, 52, 76, and 79 of the '981 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class, BladeSystem p-Class, RLX 300ex, and RLX 600ex products.

73. On information and belief, IBM has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 17, 18, 25, 26, 33-36, 51, 52, 54, 55, 61-64, 66-70,

and 76-81 of the '981 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

74. On information and belief, NEC has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 17, 18, 25, 33-37, 51-53, 61, 63-69, 76, 77, 79, and 80 of the '981 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

75. On information and belief, Nexcom has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 1, 4, 6, 7, 25, 26, 33-37, 51, 52, 54, 55, 61-69, 76, 77, and 79-81 of the '981 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or

importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

76. On information and belief, Sun has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 1, 4, 6, 7, 25, 26, 33-37, 51, 52, 54, 55, 61-69, and 76-81 of the '981 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

77. On information and belief, Supermicro has directly infringed the '981 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 1, 4, 6, 7, 25, 26, 33-37, 51, 52, 54, 55, 61-69, 76, 77, and 79-81 of the '981 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '981 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

78. As a result of Defendants' infringement of the '981 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this

Court, Defendants' infringement of the '981 Patent will continue and will result in further irreparable harm to ACQIS.

79. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**FOURTH CAUSE OF ACTION
(INFRINGEMENT OF THE '446 PATENT)
Against All Defendants**

80. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 79.

81. ACQIS is the sole holder of the entire right, title and interest in the '446 Patent.

82. On information and belief, Appro has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 41, 43, 51, 56, 58, and 66 of the '446 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

83. On information and belief, ClearCube has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 12, 14, 36-41, 43, 51, 56, and 58 of the '446 Patent. On information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with

making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

84. On information and belief, Dell has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its :

a) PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products, which are covered by at least claims 41, 43, 51, 56, 58, and 66 of the '446 Patent; and

b) PowerEdge 1655MC products, which are covered by at least claims 51 and 66 of the '446 Patent.

On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1655MC, PowerEdge 1855 and PowerEdge 1955 products.

85. On information and belief, Fujitsu has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 11, 12, 14, 36-41, 43, 45, 51, 56, 58, 60, and 66 of the '446 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the

United States, without authorization, infringing blade server products, including at least its Primergy BX products.

86. On information and belief, Hitachi has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 11, 12, 14, 36-41, 43, 51, 56, and 58 of the '446 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

87. On information and belief, HP has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 11, 12, 14, 41, 43, 51, 56, and 58 of the '446 Patent;
- b) BladeSystem p-Class products, which are covered by at least claims 41, 43, 51, 56, and 58 of the '446 Patent; and
- c) RLX 300ex and RLX 600ex products, which are covered by at least claims 41, 43, and 51 of the '446 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with

making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class, BladeSystem p-Class, RLX 300ex, and RLX 600ex products.

88. On information and belief, IBM has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 11, 12, 41, 43, 45, 51, 56, 58, 60, and 66 of the '446 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

89. On information and belief, NEC has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 11, 12, 14, 41, 43, 44, 51, 56, 58, 59, and 66 of the '446 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

90. On information and belief, Nexcom has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or

importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 11, 12, 14, 36-41, 43, 51, 56, and 58 of the '446 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

91. On information and belief, Sun has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 12, 14, 36-41, 43, 51, 56, and 58 of the '446 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

92. On information and belief, Supermicro has directly infringed the '446 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 11, 12, 14, 36-41, 43, 51, 56, and 58 of the '446 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '446 Patent by assisting, abetting and/or encouraging others

with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

93. As a result of Defendants' infringement of the '446 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement of the '446 Patent will continue and will result in further irreparable harm to ACQIS.

94. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**FIFTH CAUSE OF ACTION
(INFRINGEMENT OF THE '297 PATENT)
Against All Defendants**

95. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 94.

96. ACQIS is the sole holder of the entire right, title and interest in the '297 Patent.

97. On information and belief, Appro has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 1, 4, 5, 11-13, 21, 23, 26, 27, 28, 31, 55, and 74 of the '297 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

98. On information and belief, ClearCube has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 1-5, 21-23, 26, 27, 55-57, 65, 74, 79, and 84 of the '297 Patent. On information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

99. On information and belief, Dell has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

a) PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products, which are covered by at least claims 1, 4, 5, 11-14, 21, 23, 24, 26-28, 31, 55, and 74 of the '297 Patent; and

b) PowerEdge 1655MC products, which are covered by at least claims 1, 4, 5, 11-14, 21, 23, 24, 55, and 74 of the '297 Patent.

On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1655MC, PowerEdge 1855, and PowerEdge 1955 products.

100. On information and belief, Fujitsu has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 1-5, 21, 23, 26-28, 55, 65, 74, 79, and 84 of the '297 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

101. On information and belief, Hitachi has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 1-5, 21-23, 26, 31, 55, 65, 74, 79, and 84 of the '297 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

102. On information and belief, HP has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 1, 4, 5, 11-14, 21, 23, 24, 26, 31, 55, and 74 of the '297 Patent;
- b) BladeSystem p-Class products, which are covered by at least claims 1, 4, 5, 11-13, 21, 23, 24, 26, 31, 55, and 74 of the '297 Patent; and
- c) RLX 300ex and RLX 600ex products, which are covered by at least claims 26, 31, 55, and 74 of the '297 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class, BladeSystem p-Class, RLX 300ex, and RLX 600ex products.

103. On information and belief, IBM has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 1, 4, 5, 11-13, 26-28, 31, 55, and 74 of the '297 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

104. On information and belief, NEC has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server,

SigmaBlade H and SigmaBlade M products, which are covered by at least claims 1, 4, 5, 11-14, 21, 23, 24, 26-28, 31, 55, and 74 of the '297 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

105. On information and belief, Nexcom has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 1-5, 21-23, 26, 31, 55, 65, 74, 79, and 84 of the '297 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

106. On information and belief, Sun has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 1-5, 21-23, 26-28, 31, 55, 65, 74, 79, and 84 of the '297 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization,

infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

107. On information and belief, Supermicro has directly infringed the '297 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 1-5, 21-23, 26, 31, 55, 65, 74, 79, and 84 of the '297 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '297 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

108. As a result of Defendants' infringement of the '297 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement of the '297 Patent will continue and will result in further irreparable harm to ACQIS.

109. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**SIXTH CAUSE OF ACTION
(INFRINGEMENT OF THE '3,415 PATENT)
Against All Defendants**

110. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 –

111. 109. ACQIS is the sole holder of the entire right, title and interest in the '3,415 Patent.

112. On information and belief, Appro has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 73, and 74 of the '3,415 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

113. On information and belief, ClearCube has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 50-55, 73-75, and 86 of the '3,415 Patent. On information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

114. On information and belief, Dell has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products, which are covered by at least claims 11-14, 20, 22, 24, 25, 28, 29, 40, 41, 43, and 73-75 of the '3,415 Patent. On information and

belief, Dell has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products.

115. On information and belief, Fujitsu has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 50-52, 54, 55, 73-75, and 86 of the '3,415 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

116. On information and belief, Hitachi has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 50-52, 54, 55, 73-75, 79, 82, 86, and 88 of the '3,415 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United

States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

117. On information and belief, HP has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 11-14, 20, 24, 25, 27-29, 40, 41, 43, 50-52, 54, 55, 59, 73-75, 79, and 86 of the '3,415 Patent; and
- b) BladeSystem p-Class products, which are covered by at least claims 11-14, 20, 24, 25, 27-29, 40, 41, 43, 73, and 74 of the '3,415 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class and BladeSystem p-Class products.

118. On information and belief, IBM has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 11-14, 20, 22, 24, 25, 27-29, 40, 41, 43, 50-52, 54, 73, 74, and 86 of the '3,415 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

119. On information and belief, NEC has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, and 73-75 of the '3,415 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

120. On information and belief, Nexcom has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 50-52, 54, 55, 73-75, 79, 82, 86, and 88 of the '3,415 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

121. On information and belief, Sun has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 11-14, 25, 27-29, 40, 41, 43, 50-52, 54, 55, 73-75, 79, 82, 86, and 88

of the '3,415 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

122. On information and belief, Supermicro has directly infringed the '3,415 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 11-14, 25, 28, 29, 40, 41, 43, 50-52, 54, 55, 73-75, 79, 82, 86, and 88 of the '3,415 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '3,415 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

123. As a result of Defendants' infringement of the '3,415 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement of the '3,415 Patent will continue and will result in further irreparable harm to ACQIS.

124. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**SEVENTH CAUSE OF ACTION
(INFRINGEMENT OF THE '416 PATENT)
Against All Defendants**

125. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 124.

126. ACQIS is the sole holder of the entire right, title and interest in the '416 Patent.

127. On information and belief, Appro has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 6, 7, 9-12, 14, 16, 19-21, 23, 26, and 29 of the '416 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

128. On information and belief, ClearCube has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 7, 9-16, 19, 20, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 70, and 75 of the '416 Patent. On information and belief, ClearCube has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

129. On information and belief, Dell has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products, which are covered by at least claims 6, 7, 9-12, 14, 16, 19-21, 23, 26, 29, 56, 57, 60-63, 65, 66, 68, and 70 of the '416 Patent. On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products.

130. On information and belief, Fujitsu has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 6, 7, 9-12, 14-16, 19, 20, 21, 23, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 70, and 75 of the '416 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

131. On information and belief, Hitachi has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least

claims 6, 7, 9-12, 14-16, 19, 20, 21, 23, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 70, and 75 of the '416 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

132. On information and belief, HP has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 1, 3-7, 9-12, 14, 16, 19-21, 23, 26, 29, 56, 57, 60, 61, 65, 66, 68, and 70 of the '416 Patent; and
- b) BladeSystem p-Class products, which are covered by at least claims 21, 23, 26, 19, 56, 57, 60, 61, 65, 66, 68, and 70 of the '416 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class and BladeSystem p-Class products.

133. On information and belief, IBM has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 1, 3-7, 9-12, 14, 16, 19-21, 23, 26, 29, 56, 57, 60, 61, 63-66, 68, and 70 of the '416 Patent. On information and belief, IBM has also actively

induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

134. On information and belief, NEC has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 6, 11, 12, 14, 16, 21, 23, 26, and 29 of the '416 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

135. On information and belief, Nexcom has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 6, 7, 9, 10-12, 14-16, 19, 20, 21, 23, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 70, and 75 of the '416 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

136. On information and belief, Sun has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 6, 7, 9, 10-12, 14-16, 19, 20, 21, 23, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 68, 70, and 75 of the '416 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

137. On information and belief, Supermicro has directly infringed the '416 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 6, 7, 9, 10-12, 14-16, 19, 20, 21, 23, 26, 29, 30, 44, 56, 57, 60, 61, 63-66, 70, and 75 of the '416 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '416 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

138. As a result of Defendants' infringement of the '416 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this

Court, Defendants' infringement of the '416 Patent will continue and will result in further irreparable harm to ACQIS.

139. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

**EIGHTH CAUSE OF ACTION
(INFRINGEMENT OF THE '779 PATENT)
Against All Defendants**

140. ACQIS realleges and incorporates by reference the allegations contained in paragraphs 1 - 139.

141. ACQIS is the sole holder of the entire right, title and interest in the '779 Patent.

142. On information and belief, Appro has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its XtremeBlade products, which are covered by at least claims 16, 19, 20, 26, 27, 29, 51, 52, 54, and 55 of the '779 Patent. On information and belief, Appro has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its XtremeBlade products.

143. On information and belief, ClearCube has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its R-, V- and T-Series products, which are covered by at least claims 12, 14-16, 19, 20, 26, 29, 30, 51, 54-57, 60, and 68-70 of the '779 Patent. On information and belief, ClearCube has also actively induced and/or

contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its R-, V-, and T-Series products.

144. On information and belief, Dell has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products, which are covered by at least claims 16, 19, 20, 26, 27, 29, 51, 54-57, and 60 of the '779 Patent. On information and belief, Dell has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its PowerEdge M1000e, PowerEdge 1855 and PowerEdge 1955 products.

145. On information and belief, Fujitsu has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Primergy BX products, which are covered by at least claims 11, 12, 14-16, 19, 20, 26, 29, 30, 41, 42, 44, 51, 52, 54-57, 60, and 68-70 of the '779 Patent. On information and belief, Fujitsu has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Primergy BX products.

146. On information and belief, Hitachi has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products, which are covered by at least claims 12, 14-16, 19, 20, 26, 29, 30, 51, 52, 54-57, 60, and 68-70 of the '779 Patent. On information and belief, Hitachi has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSymphony 320, BladeSymphony 1000, and BladeSymphony 2000 products.

147. On information and belief, HP has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its:

- a) BladeSystem c-Class products, which are covered by at least claims 11, 12, 14-16, 19, 20, 26, 27, 29, 41, 42, 44, 51, 52, 54-56, and 60 of the '779 Patent; and
- b) BladeSystem p-Class products, which are covered by at least claims 11, 12, 14, 15, 41, 42, 44, 51, and 55 of the '779 Patent.

On information and belief, HP has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeSystem c-Class and BladeSystem p-Class products.

148. On information and belief, IBM has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its BladeCenter E, H, S, T and HT products, which are covered by at least claims 11, 12, 15, 16, 19, 20, 26, 27, 29, 41, 42, 44, 45, 51, 54, 56, 57, and 60 of the '779 Patent. On information and belief, IBM has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its BladeCenter E, H, S, T and HT products.

149. On information and belief, NEC has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products, which are covered by at least claims 11, 12, 14-16, 19, 20, 26, 27, 29, 41, 42, 44, 45, 51, 54, and 55 of the '779 Patent. On information and belief, NEC has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its FlexPower Server, SigmaBlade H and SigmaBlade M products.

150. On information and belief, Nexcom has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its NexBlade HiServer products, which are covered by at least claims 12, 14-16, 19, 20, 26, 29, 30, 41, 51, 52, 54-57,

60, and 68-70 of the '779 Patent. On information and belief, Nexcom has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its NexBlade HiServer products.

151. On information and belief, Sun has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products, which are covered by at least claims 12, 14-16, 19, 20, 26, 29, 30, 41, 51, 52, 54-57, 60, and 68-70 of the '779 Patent. On information and belief, Sun has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United States, or importing into the United States, without authorization, infringing blade server products, including at least its Sun Blade 8000, Sun Blade 8000P, Sun Blade 6000, Netra ATCA, and Sun Fire B1600 products.

152. On information and belief, Supermicro has directly infringed the '779 Patent by, without authorization, making, using, offering for sale and/or selling in the United States, or importing into the United States, blade server products, including at least its SuperBlade products, which are covered by at least claims 12, 14-16, 19, 20, 26, 29, 30, 41, 51, 52, 54-57, 60, and 68-70 of the '779 Patent. On information and belief, Supermicro has also actively induced and/or contributed to the infringement by others of the '779 Patent by assisting, abetting and/or encouraging others with making, using, offering for sale and/or selling in the United

States, or importing into the United States, without authorization, infringing blade server products, including at least its SuperBlade products.

153. As a result of Defendants' infringement of the '779 Patent, ACQIS has suffered irreparable harm for which ACQIS has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement of the '779 Patent will continue and will result in further irreparable harm to ACQIS.

154. ACQIS is entitled to recover damages from Defendants not less than a reasonable royalty adequate to compensate for the infringement.

DEMAND FOR RELIEF

WHEREFORE, ACQIS respectfully requests the following relief:

a) That this Court adjudge and decree that Defendants have been and are currently infringing, inducing others to infringe, and committing acts of contributory infringement with respect to one or more of the Patents-in-Suit;

b) That this Court enter an order that Defendants and its officers, agents, servants, employees, successors and assigns, and those persons acting in concert with them, be preliminarily and permanently enjoined from infringing, inducing others to infringe, and committing acts of contributory infringement with respect to one or more of the Patents-in-Suit;

c) That this Court award damages to ACQIS to compensate it for each of the unlawful actions set forth in ACQIS' Second Amended Complaint;

d) That this Court award interest on such damages to ACQIS;

e) That this Court determine that this patent infringement case is exceptional and award ACQIS its costs and attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285; and

f) That this Court award such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

ACQIS respectfully requests a trial by jury on all issues triable thereby.

Dated: July 22, 2009

Respectfully submitted,

/s/ James P. Brogan

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