

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CROSSROADS SYSTEMS, INC.,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 1:08-CV-00861-SS
v.	§	
	§	JURY DEMANDED
(1) DATADIRECT NETWORKS, INC.,	§	
and	§	
(2) EXCEL/MERIDIAN DATA, INC.,	§	
	§	
Defendants.	§	

**PLAINTIFF CROSSROADS SYSTEMS, INC.'S
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

THE PARTIES

1. Plaintiff Crossroads Systems, Inc. (“Crossroads”) is a corporation incorporated under the laws of the State of Delaware and has its principal place of business at 11000 North MoPac Expressway, Austin, Texas 78759.
2. Upon information and belief, Defendant DataDirect Networks, Inc. (“DataDirect”) is a Delaware corporation with a principal place of business of 9351 Deering Avenue, Chatsworth, California 91311.
3. Upon information and belief, Defendant Excel/Meridian Data, Inc. (“Excel”) is an Arizona corporation with a principal place of business of 15575 North 83rd Way #3, Scottsdale, Arizona 85260.

JURISDICTION AND VENUE

4. This action arises under the laws of the United States, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, each of the Defendants transacts business in this judicial district, and Defendants have sufficient contacts with this judicial district to subject themselves to the jurisdiction of this Court. Personal jurisdiction and venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 6,425,035

6. Crossroads incorporates by reference the allegations set forth in the preceding paragraphs.

7. On July 23, 2002, United States Patent No. 6,425,035 (the "'035 Patent") was duly and legally issued. A true and correct copy of the '035 Patent is attached hereto as Exhibit A. Crossroads is the assignee and the owner of all right, title, and interest in and to the '035 Patent. The '035 Patent is entitled to a presumption of validity.

8. Each of the Defendants has directly infringed the '035 Patent. On information and belief, the Defendants continue to directly infringe the '035 Patent.

9. Specifically, each of the Defendants has directly infringed the '035 Patent by making, using, offering for sale, selling and/or importing into the United States certain of their storage products including at least the following: S2A Storage Systems (DataDirect); and SecurStor Astra SAN storage products (Excel).

10. Further, by DataDirect's acts of making, using, offering for sale, selling, importing into the United States, marketing, supporting and/or advertising certain of its

storage products, including the S2A Storage Systems and any SFA and Scalar products that incorporate these S2A Storage Systems, DataDirect has actively induced and contributed to the infringement of the '035 Patent and continues to actively induce and contribute to the infringement of the '035 Patent.

11. Defendants have been on notice of the '035 Patent and have not ceased their infringing activities. The infringement of the '035 Patent by Defendants has been and continues to be willful and deliberate.

12. Crossroads has been irreparably harmed by the Defendants' acts of infringement of the '035 Patent, and will continue to be harmed unless and until Defendants' acts of infringement are enjoined and restrained by order of this Court.

13. As a result of the acts of infringement of the '035 Patent by Defendants, Crossroads has suffered and will continue to suffer damages in an amount to be proven at trial.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 7,051,147

14. Crossroads incorporates by reference the allegations set forth in the preceding paragraphs.

15. On May 23, 2006, United States Patent No. 7,051,147 (the "'147 Patent") was duly and legally issued. A true and correct copy of the '147 Patent is attached hereto as Exhibit B. Crossroads is the assignee and the owner of all right, title, and interest in and to the '147 Patent. The '147 Patent is entitled to a presumption of validity.

16. Defendant DataDirect has directly infringed the '147 Patent and, on information and belief, Defendant DataDirect continues to directly infringe the '147 Patent.

17. Specifically, Defendant DataDirect has directly infringed the '147 Patent by making, using, offering for sale, selling and/or importing into the United States certain of their storage products including at least the following: S2A9550 products and any SFA or Scalar products that incorporate the S2A9550 products (DataDirect).

18. Further, by DataDirect's acts of making, using, offering for sale, selling, importing into the United States, marketing, supporting and/or advertising certain of its storage products, including the S2A9550 Series products and any SFA and Scalar products that incorporate these S2A9550 Series products, DataDirect has actively induced and contributed to the infringement of the '147 Patent and continues to actively induce and contribute to the infringement of the '147 Patent.

19. Defendant DataDirect has been on notice of the '147 Patent, and has not ceased its infringing activities. The infringement of the '147 Patent by Defendant DataDirect has been and continues to be willful and deliberate.

20. Crossroads has been irreparably harmed by Defendant DataDirect's acts of infringement of the '147 Patent and will continue to be harmed unless and until Defendant DataDirect's acts of infringement are enjoined and restrained by order of this Court.

21. As a result of the acts of infringement of the '147 Patent by Defendant DataDirect, Crossroads has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Crossroads requests this Court enter judgment as follows:

A. That each of the Defendants has infringed the '035 Patent;

- B. That such infringement of the '035 Patent by Defendants has been willful;
- C. That Defendants account for and pay to Crossroads all damages caused by the infringement of the '035 Patent;
- D. That Crossroads receive enhanced damages from Defendants in the form of treble damages, pursuant to 35 U.S.C. § 284 based on Defendants' willful infringement of the '035 Patent;
- E. That Defendant DataDirect has infringed the '147 Patent;
- F. That such infringement of the '147 Patent by Defendant DataDirect has been willful;
- G. That Defendant DataDirect account for and pay to Crossroads all damages caused by the infringement of the '147 Patent;
- H. That Crossroads receive enhanced damages from Defendant DataDirect in the form of treble damages, pursuant to 35 U.S.C. § 284 based on Defendant DataDirect's willful infringement of the '147 Patent;
- I. That Defendants pay Crossroads all of Crossroads' reasonable attorneys' fees and expenses;
- J. That Crossroads be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringement of the '035 Patent and '147 Patent, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;

- K. That costs be awarded to Crossroads;
- L. That Defendants, their agents, employees, representatives, successors and assigns, and those acting in privity or in concert with them, be preliminarily and permanently enjoined from further infringement of the '035 Patent;
- M. That Defendant DataDirect its agents, employees, representatives, successors and assigns, and those acting in privity or in concert with it, be preliminarily and permanently enjoined from further infringement of the '147 Patent;
- N. That this is an exceptional case under 35 U.S.C. § 285; and
- O. That Crossroads be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Crossroads hereby demands a trial by jury on all issues.

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff Crossroads Systems, Inc. (“Crossroads”) has conferred with counsel for Defendant DataDirect Networks, Inc. (“DataDirect”), and DataDirect does not oppose Crossroads’ filing of this amended version of Plaintiff Crossroads Systems, Inc.’s First Amended Complaint For Patent Infringement in lieu of the First Amended Complaint attached as Exhibit A to Crossroads’ Motion For Leave to File First Amended Complaint. The two versions of the First Amended Complaint are identical except that the instant version removes reference to the parties that have been dismissed from the case.

Dated: September 4, 2009

Respectfully submitted,

By: /s/ Elizabeth J. Brown Fore

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have sent notification of such filing via U.S. First Class Mail to the following non-CM/ECF participants:

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