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

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| ELITE GAMING TECHNOLOGY, LLC., | ) | |
| Plaintiff, | ) | Case No. |
| v. | ) | **JURY TRIAL DEMANDED** |
| ASROCK INC.; ASROCK INDUSTRIAL COMPUTER INC.; and ASROCK RACK INC., | ) | |
| Defendants. | ) | |

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Elite Gaming Technology, LLC. ("EGT" or "Plaintiff") for its Complaint against Defendants ASRock Inc. ("AsRock Inc."), ASRock Industrial Computer Inc. ("ASRock Industrial"), ASRock Rack Inc. ("ASRock Rack") (ASRock, ASRock Industrial, and ASRock Rack are collectively referred to as "ASRock" or "Defendants"), alleges as follows:

**THE PARTIES**

1. EGT is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 102 E. Crockett Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant AsRock Inc. is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at Jhongyang South Rd, Section 2 2F, No 37, Beitou District Taipei, Taiwan, and may be served pursuant to the provisions of the Hague Convention. Defendant ASRock Industrial Computer is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 7F., No.9, Ln. 79, Ligong St., Beitou Dist. Taipei City, Taiwan (R.O.C.) 112, TW.

Defendant ASRock Rack is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 4F., No.37, Sec. 2, Jhongyang S. Rd., Beitou District, Taipei City 112, Taiwan (R.O.C.). ASRock Inc., ASRock Industrial, and ASRock Rack are a leading manufacturer and seller of laptops, motherboards, and servers in the world and in the United States. Upon information and belief, ASRock does business in Texas and in the Eastern District of Texas, directly or through intermediaries.

## JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq*. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendants. Defendants regularly conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this Judicial District and/or have contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendants are not residents in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

6. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to their substantial business in this State and Judicial District, including (a) at least part of their past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

**PATENTS-IN-SUIT**

7. On November 8, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,963,947 (the "'947 Patent") entitled "Driver Supporting Bridge Method and Apparatus." A true and correct copy of the '947 Patent is available at: http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=06963947.

8. On March 16, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,708,045 (the "'045 Patent") entitled "Easily Reconfigured and Upgraded Radio Card and Wireless Terminal." A true and correct copy of the '045 Patent is available at: http://pdfpiw.uspto.gov/.piw?Docid=06708045.

9. On March 20, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,194,613 (the "'613 Patent") entitled "Communication Protocol for Serial Peripheral Devices." A true and correct copy of the '613 Patent is available at: http://pdfpiw.uspto.gov/.piw?Docid=07194613.

10. On September 14, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,791,799 (the "'799 Patent") entitled "Digital Device Configuration and Method." A true and correct copy of the '799 Patent is available at: http://pdfpiw.uspto.gov/.piw?Docid=06791799.

11. On December 6, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,973,535 (the "'535 Patent") entitled "Digital Device Configuration and Method." A true and correct copy of the '535 Patent is available at: http://pdfpiw.uspto.gov/.piw?Docid=06973535.

12. EGT is the sole and exclusive owner of all right, title, and interest in the '947 Patent, the '045 Patent, the '613 Patent, the '799 Patent, and the '535 Patent, (collectively, the

"Patents-in-Suit"), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. EGT also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

13. EGT has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

## FACTUAL ALLEGATIONS

14. The Patents-in-Suit generally cover systems and methods for use in motherboards, laptops, and desktop PCs.

15. The '947 Patent generally relates to technology for dynamically rebalancing PCI to PCI bridges to overcome Operating System, BIOS, and Chipset limitations to allow for multiple level PCI buses. The technology described by the '947 Patent was developed by inventors Alexei Piatesky and Frank W. Ahern. For example, this technology is implemented in motherboards which contain PCI bridges so that multiple motherboard components work compatibly. Infringing motherboards, PCs, and laptops include bridge drivers to allow communications between otherwise incompatible buses.

16. The '045 Patent generally relates to configurable radio card and wireless terminal. The technology described in the '045 Patent was developed by Hong Lieu Winston, Cheng Wang, David Kiley, and Charles Chia-Yi Pai. For example, the technology is implemented by infringing motherboards, laptops and PCs which push updates to a radio card device.

17. The '613, Patent generally relates to communication protocols for serial peripheral devices. The technology described in the '613 Patent was developed by Jude J.

Katsch. For example, the technology is implemented by motherboards, laptops, and desktop PCs which determine if a peripheral device is branded, and if not, the peripheral device is initialized.

18. The '799 Patent and the '535 Patent generally relates to digital storage apparatus with rotatable magnetic media and head arrangements for accessing the media. The technology described in the '799 Patent was developed by John F. Fletcher and the technology described in the '535 Patent was developed by Curtis H. Bruner, Lance R. Carlson, and Jeffrey E. Mast. For example, the technology is implemented by infringing, laptops and PCs that contain Hard Disk Drives (HDDs) having a serial interface and utilize a flexible circuit stiffener with a ramp arrangement configured for receiving the actuator arm in a parked position.

19. Third parties Western Digital ("WD") and Hitachi Global Storage Technologies ("HGST") supply Hard Disk Drives ("HDDs") that implement the infringing technologies. These hard drives include WD Blue, Black, Red, Purple, and Gold drives, as well as HGST Ultrastar, Travelstar, Deskstar, Endurastar, and Cinemastar drives. ASRock makes, uses, sells, and/or imports computers, such as desktops, laptops, tablets, and servers that include one or more WD and/or HGST HDDs. For example, upon information and belief, these infringing computers include the ASRock computers that include one or more WD and/or HGST HDDs, such as the HGST Travelstar 5k1500.

20. ASRock has infringed and is continuing to infringe the Patents-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products including motherboards, desktop PCs, laptop computers, and associated software that infringes the Patents-in-Suit.

## COUNT I
## (Infringement of the '947 Patent)

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

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