

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

AURIGA INNOVATIONS, INC.

Plaintiff,

v.

INTEL CORPORATION, HP INC., and
HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendants

C.A. No. 6:20-cv-779

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Auriga Innovations, Inc. (“Auriga” or “Plaintiff”) files this complaint for patent infringement against Defendants Intel Corporation (“Intel”), HP Inc. (“HPI”), and Hewlett Packard Enterprise Company (“HPE”) (collectively, “Defendants”) under 35 U.S.C. § 217 *et seq.* as a result of Defendants’ unauthorized use of Auriga’s patents and alleges as follows:

THE PARTIES

1. Auriga is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at 1891 Robertson Road, Suite 100, Ottawa, ON K2H 5B7 Canada.

2. On information and belief, Intel is a Delaware corporation with a place of business at 2200 Mission College Boulevard, Santa Clara, California 95054.

3. On information and belief, since April 1989, Intel has been registered to do business in the State of Texas under Texas Taxpayer Number 19416727436 and has places of business at

1300 S Mopac Expressway, Austin, Texas 78746; 6500 River Place Blvd, Bldg 7, Austin, Texas 78730; and 5113 Southwest Parkway, Austin, Texas 78735 (collectively, “Intel Austin Offices”).

<https://www.intel.com/content/www/us/en/location/usa.html>.

4. On information and belief, HPI is a Delaware corporation with a principal place of business at 1501 Page Mill Road, Palo Alto, CA 94304.

5. On information and belief, HPI formally registered to do business in the State of Texas under Texas SOS file Number 0012093906 in May 1998, and, since at least as early as 2016, HPI has had an established place of business in this judicial district with a physical office at 3800 Quick Hill Rd. #100, Austin, TX 78728.

6. On information and belief, HPE is a corporation organized under the laws of the State of Delaware, with its principal place of business at 6280 America Center Drive, San Jose, California, 95002.

7. On information and belief, HPE formally registered to do business in the State of Texas SOS file Number 0802175187 in March 2015 and has a place of business at 14231 Tandem Blvd, Austin, Texas 78728. <https://www.hpe.com/us/en/contact-hpe.html#location>.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Intel is subject to this Court’s specific and general personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, Intel “[r]ecruits Texas residents, directly or through an intermediary located in this state, for employment inside or outside this state.” *See* Tex. Civ. Prac. & Rem. Code § 17.042.

10. Additionally, this Court has specific personal jurisdiction over Intel because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. § 271(a), (b), and (g). In particular, Intel has made, used, offered to sell, and sold products and systems in this judicial district, including infringing microprocessors.

11. In addition, and on information and belief, Intel is subject to the Court's general jurisdiction because it regularly conducts and solicits business or otherwise engages in other persistent courses of conduct in this district, and/or because it derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in this district.

12. In sum, this Court has specific and general personal jurisdiction over Intel because, *inter alia*, Intel, on information and belief: (1) has substantial, continuous, and systematic contacts with this State and this judicial district; (2) owns, manages, and operates facilities in this State and this judicial district; (3) enjoys substantial income from sales in this State and this judicial district; (4) employs Texas residents in this State and this judicial district, and (5) markets products in this State and judicial district.

13. Venue is proper in this district under 28 U.S.C. § 1400(b) as to Defendant Intel. Intel is registered to do business in Texas, and upon information and belief, Defendant has transacted business in this district and has committed acts of direct and indirect infringement in this district by, among other things, making, using, offering to sell, and selling products that infringe the asserted patents. Defendant has a regular and established place of business in the district, including offices at 1300 S MoPac Expressway, Austin, Texas 78746; 6500 River Place Blvd, Bldg 7, Austin, Texas 78730; and 5113 Southwest Parkway, Austin, Texas 78735. <https://www.intel.com/content/www/us/en/location/usa.html>.

14. Affixed to the exterior of the Intel Austin Offices is large and clear signage that reads “Intel” as shown in the image below:



15. On information and belief, Intel uses each of its Austin offices as a regular and established place of business because this is where numerous important employees work, including engineers who work on the Intel microprocessors accused of infringement in this action. Intel’s website describes that “Intel’s Austin facility is a research and development center for more than 1700 employees who innovate at the boundaries of technology to make amazing experiences possible for business and society, and for every person on Earth.”

<https://www.intel.com/content/www/us/en/corporate-responsibility/intel-in-texas.html>.

16. Intel, directly and/or through its agents, advertises in this district and, through its website and other websites, offers to sell, sells, and/or distributes its products in this district and/or has induced the sale and use of its products in this district. This includes distribution to HPI and HPE as described below.

17. HPI is subject to this Court's specific and general personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, HPI "recruits Texas residents, directly or through an intermediary located in this state, for employment inside or outside this state." *See* Tex. Civ. Prac. & Rem. Code § 17.042; <https://jobs.hp.com/en-us/showjob/jobid/1921/productsecurityengineer?prefilters=none&CloudSearchLocation=none&CloudSearchValue=none>.

18. Additionally, this Court has specific personal jurisdiction over HPI because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. § 271(a) and (g). In particular, HPI has made, used, offered to sell, and sold products and systems in this judicial district, including infringing desktop and laptop computers incorporating infringing microprocessors from Defendant Intel.

19. In addition, and on information and belief, HPI is subject to the Court's general jurisdiction because it regularly conducts and solicits business or otherwise engages in other persistent courses of conduct in this district, and/or because it derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in this district.

20. In sum, this Court has specific and general personal jurisdiction over HPI because, *inter alia*, HPI, on information and belief: (1) has substantial, continuous, and systematic contacts with this State and this judicial district; (2) owns, manages, and operates facilities in this State and this judicial district; (3) enjoys substantial income from sales in this State and this judicial district; (4) employs Texas residents in this State and this judicial district, and (5) markets products in this State and judicial district.

21. Venue is proper in this district under 28 U.S.C. § 1400(b) as to Defendant HPI. HPI is registered to do business in Texas, and upon information and belief, Defendant has transacted

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