

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

LIBERTY PATENTS, LLC,

Plaintiff,

v.

DELL TECHNOLOGIES INC. and
DELL INC.,

Defendants.

CIVIL ACTION NO. 6:20-cv-944

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Liberty Patents, LLC (“Liberty Patents” or “Plaintiff”) files this original complaint against Defendants Dell Technologies, Inc. and Dell Inc. (collectively “Dell” or “Defendants”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Liberty Patents is a limited liability company formed under the laws of the State of Texas, with its principal place of business at 2325 Oak Alley, Tyler, Texas 75703.
2. Defendant Dell Technologies Inc. is a corporation organized and existing under the laws of Delaware. Dell Technologies Inc. may be served with process through its registered agent, Corporation Service Company located at 251 Little Falls Drive, Wilmington, Delaware 19808.
3. Defendant Dell Inc. is a corporation organized and existing under the laws of Delaware. Dell Inc. may be served with process through its registered agent, Corporation Service Company d/b/a/ CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas, 78701. Dell Inc. is an indirect subsidiary of Dell Technologies Inc.

JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

5. This Court has personal jurisdiction over the Dell Defendants pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Dell has done and continues to do business in Texas; (ii) Dell has committed and continues to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in Texas, and/or committing a least a portion of any other infringements alleged herein, and (iii) Dell Inc. is registered to do business in Texas.

6. Venue is proper in this district as to Defendants pursuant to 28 U.S.C. § 1400(b). Venue is further proper because Dell has committed and continue to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in this district, and/or committing at least a portion of any other infringements alleged herein in this district.

7. Dell has a regular and established place of business in this district, including at One Dell Way, Round Rock, Texas 78682. Depicted below are additional Dell locations within this district:



Source: <https://goo.gl/maps/3TTbbFFptgNseq5V6> (401 Dell Way)



Source: <https://goo.gl/maps/S8KKb5JoaKP6cEx76> (200 Dell Way)

BACKGROUND

8. The two patents-in-suit cover technology used in computer systems, such as notebook computers, laptop computers, desktop computers, tablets, and other electronic devices. More particularly, the patents-in-suit describe key improvements to electronic devices in the

areas of better power distribution and power management, and a better process for retrieving automatic software updates.

9. U.S. Patent No. 6,920,573 (“the ’573 Patent”) generally relates to a system for conserving energy in electronic systems. Specifically, the inventor developed a system that provides much-needed energy savings for computers, such as notebooks and laptops, by including various operating modes that limit power usage. In particular, the ’573 Patent describes three operating modes. The first mode is a regular operating mode where the electronic device is fully powered on and where the main microprocessor is running. The second mode is a power-saving mode where the main microprocessor is not running, yet the system is still activated. The third mode is also a power-saving mode, and more specifically, a standby mode from which the first mode can be activated. The ’573 Patent also discloses components to power the system, such as a rechargeable battery, and components to control the system, such as a power button.

10. Major companies in the electronics industry have cited the invention of the ’573 Patent during patent prosecution. Indeed, the ’573 Patent has been cited over fifty times by leading companies, including Broadcom, Compal Electronics, Foxconn, Google, Hewlett-Packard, Intel, Panasonic (Matsushita), Microsoft, NVIDIA, Sony, Toshiba, Transmeta, and Wistron.

11. U.S. Patent No. 7,493,612 (“the ’612 Patent”) discloses systems and methods for automatically updating the system software of an embedded system. Claim 1 describes an embedded system capable of automatically updating system software using update agent interface programming (UAIP)—code that initiates an update of the system software during the boot process. The embedded system includes first system software and a boot image. The

system also includes a micro-controller capable of transforming the first system software into system code and the boot image into boot code. The boot code includes update agent interface programming (UAIP) for initiating updating of the first system software before executing the system code. The system can be coupled to an external data storage device, which contains the second system software (i.e., the updated system code). If there is an update to the system software, the second system software is read from the external data storage device. As a result of the '612 Patent's inventive system, a computer can advantageously retrieve automatic updates during boot without loading its outdated OS—a more efficient, time-saving solution.

12. The '612 Patent's inventive system was developed by the Taiwanese company, Lite-On Technology Corp., which develops a wide range of consumer electronics products, such as semiconductors, monitors, motherboards, etc. Lite-On was originally founded in 1975 by former employees of Texas Instruments. While the company originally developed LEDs, it branched into other industries, such as embedded systems and related software, and stayed on the forefront of developing technologies. Lite-On was recently purchased by the Japanese company, Kioxia—a former division of Toshiba—for \$165 million.

13. The '612 Patent discloses a novel and important invention that is highly relevant to today's technology, which relies heavily on recurring updates to computer systems and IoT devices. It has been cited by major technology companies like Foxconn, Google, Hewlett-Packard, IBM, Samsung, Silicon Graphics, and Texas Instruments.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.