

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

_____)	
INTELLECTUAL VENTURES I LLC and)	
INTELLECTUAL VENTURES II LLC,)	Civil Action No. 6:21-CV-596
)	
Plaintiffs,)	
)	
v.)	
)	
HEWLETT PACKARD ENTERPRISE CO.,)	
)	
Defendant.)	JURY TRIAL DEMANDED
_____)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Intellectual Ventures I LLC and Intellectual Ventures II LLC (together “IV”), for their complaint against defendant, Hewlett Packard Enterprise Company (“HPE”), hereby allege as follows:

THE PARTIES

1. Intellectual Ventures I LLC (“Intellectual Ventures I”) is a Delaware limited liability company having its principal place of business located at 3150 139th Avenue SE, Bellevue, Washington 98005.

2. Intellectual Ventures II LLC (“Intellectual Ventures II”) is a Delaware limited liability company having its principal place of business located at 3150 139th Avenue SE, Bellevue, Washington 98005.

3. Upon information and belief, HPE is a Delaware corporation with its principal executive offices located at 11445 Compaq Center West Drive, Houston, Texas 77070. HPE has regular and established places of business in this District, including a fifty-two (52) acre campus

at 14321 Tandem Boulevard, Austin, Texas, and a lease for another 27,326 square foot office at Paloma Ridge, 13620 FM 620 Austin, Texas 78717. HPE also has at least one other office in Texas, at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024. HPE plans to relocate its global headquarters from San Jose, California, to Spring, Texas in early 2022. HPE may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

JURISDICTION

4. IV brings this action for patent infringement pursuant to 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has general jurisdiction over HPE because HPE is engaged in substantial and not isolated activity at its regular and established places of business within this judicial district. This Court has specific jurisdiction over HPE because HPE has committed acts of infringement giving rise to this action within this judicial district and has established more than minimum contacts within this judicial district, such that the exercise of jurisdiction over HPE in this Court would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because HPE maintains regular and established places of business and has committed acts of patent infringement within this judicial district.

FACTUAL BACKGROUND

7. Intellectual Ventures Management, LLC (“Intellectual Ventures”) was founded in 2000. Since then, Intellectual Ventures has been involved in the invention business. Intellectual Ventures fosters inventions and facilitates the filing of patent applications for those inventions; collaborates with others to develop and patent inventions; and acquires and licenses patents from

individual inventors, universities, corporations, and other institutions. A significant aspect of Intellectual Ventures' business is managing the plaintiffs in this case, Intellectual Ventures I and Intellectual Ventures II.

8. To create its own inventions, Intellectual Ventures has a staff of scientists and engineers who develop ideas in a broad range of fields, including agriculture, computer hardware, life sciences, medical devices, semiconductors, and software. Intellectual Ventures has invested millions of dollars developing such ideas and has filed hundreds of patent applications on its inventions every year, making it one of the world's top patent filers. Intellectual Ventures has also invested in laboratory facilities to assist with the development and testing of new ideas.

9. Furthermore, Intellectual Ventures develops inventions by collaborating with inventors and research institutions around the world. For example, Intellectual Ventures has collaborated on inventions by selecting a technical challenge, requesting proposals for inventions to solve the challenge from inventors and institutions, selecting the most promising ideas, rewarding the inventors and institutions for their contributions, and filing patent applications on the ideas. Intellectual Ventures has invested millions of dollars in this way and has created a network of more than 4,000 inventors worldwide.

10. One founder of Intellectual Ventures is Nathan Myhrvold, who worked at Microsoft from 1986 until 2000 in a variety of executive positions, culminating in his appointment as the company's first Chief Technology Officer ("CTO") in 1996. While at Microsoft, Dr. Myhrvold founded Microsoft Research in 1991 and was one of the world's foremost software experts. Between 1986 and 2000, Microsoft became the world's largest technology company.

11. Under Dr. Myhrvold's leadership, IV acquired more than 70,000 patents covering many important inventions of the Internet era. Many of these inventions coincided with Dr. Myhrvold's successful tenure at Microsoft.

12. Two recent significant accomplishments in the field of computing are cloud-based computing and virtualization of computing resources. As the computing industry shifted towards cloud-based and virtualized computing, prior art storage solutions, such as stand-alone direct-attached arrays, storage area networks (SAN), and network attached storage (NAS), were unable to efficiently meet the increased performance, availability, and resiliency requirements associated with such cloud-based and virtualized computing.

13. To overcome these and other prior art limitations, new storage technologies were developed. For example, disk storage technologies that increased availability and resiliency were introduced, such as redundant arrays of independent disks (RAID). A RAID system, however, does not adequately protect against a failure of its controlling node in a cost-effective manner, cannot simultaneously serve I/O requests for more than a limited number of computers, and is not itself readily scalable.

14. Another example of a new storage technology that was introduced to overcome prior art storage system limitations were solid-state drives (SSDs), which improved input/output operations-per-second (IOPS) performance, but introduced other problems, such as SSD media degradation from continuous write operations. This degradation was especially significant for data-intensive applications that require a great many write operations per second. Furthermore, though SSDs have better IOPS performance than older non-volatile storage technologies, such as hard disk drives (HDDs), they are still slower than volatile memory, such as dynamic random access memory (DRAM) and static random access memory (SRAM).

15. As performance requirements increased in the industry, another problem exhibited in traditional storage technologies such as RAIDs concerned the fact they dealt with data at an input/output (I/O) block level. This meant that for a write command that instructs the storage system to store a 64 Kbyte block of data into a storage media such as an SSD or HDD, the entire requested block had to be fully received from the instructing computer before the storage system could begin to process and virtualize that block. Processing an I/O as a single block and requiring that all its contents be received before being further processed created bottlenecks in storage systems.

16. HPE makes, uses, and sells enterprise and high-performance storage solutions, including virtualized storage and hyperconverged infrastructure solutions, with a particular focus on distributed storage access and management products. Two of the most important technology areas that HPE focuses on to deliver these products and services are (1) high performance enterprise storage; and (2) hyperconverged, self-managing, self-optimizing and self-healing storage platforms. When providing enterprise storage, for example, via its 3PAR StoreServ Storage product, HPE focuses on providing highly available, resilient, and fast virtual storage with advanced I/O management and granular visibility, which maximizes the customer's return on investment (ROI). When providing hyperconverged infrastructure platforms, such as its SimpliVity HCI platform, HPE builds on its above distributed storage offerings by adding advanced programmatic functionality, such as self-management and healing, that relies on the availability of redundant storage resources.

THE PATENTS-IN-SUIT

17. On June 30, 2009, the Patent & Trademark Office ("PTO") issued United States Patent No. 7,555,586 ("the '586 patent"), titled APPARATUS AND METHOD FOR PACKET

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