

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EFFICIENCY SYSTEMS, LLC,

Plaintiff,

v.

ORACLE CORPORATION and ORACLE
AMERICA, INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Efficiency Systems, LLC (“ES” or “Plaintiff”), by way of Complaint against the above-named defendants, alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff ES is a limited liability company organized under the laws of the State of Delaware with a place of business at 1220 N. Market St., Suite 806, Wilmington, Delaware 19801.

3. On information and belief, Defendant Oracle Corporation is a corporation organized under the laws of the State of Delaware with its principal place of business at 500 Oracle Parkway, Redwood City, California 94065.

4. On information and belief, Defendant Oracle America, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 500 Oracle Parkway, Redwood City, California 94065. On information and belief, Oracle America,

Inc. is a subsidiary of Oracle Corporation. Defendants Oracle Corporation and Oracle America, Inc. will henceforth be referred to collectively as “the Oracle Entities” or “Defendants”.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

7. On information and belief, the Oracle Entities are subject to the jurisdiction of this Court by virtue of the fact that they are organized under the laws of the State of Delaware. On information and belief, the Oracle Entities also are subject to jurisdiction of this Court by reason of their acts of patent infringement which have been committed in this Judicial District, and by virtue of their regularly conducted and systematic business contacts in this State. As such, the Oracle Entities have purposefully availed themselves of the privilege of conducting business within this Judicial District; have established sufficient minimum contacts with this Judicial District such that they should reasonably and fairly anticipate being haled into court in this Judicial District; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

JOINDER

9. Joinder is proper under 35 U.S.C. § 299. The allegations of infringement contained herein are asserted against the Defendants jointly, severally, or in the alternative and arise, at least in part, out of the same series of transactions or occurrences relating to the Defendants’ manufacture, use, sale, offer for sale, and importation of the same accused products. On information and belief, the Defendants are part of the same corporate family of companies,

and the infringement allegations arise at least in part from the Defendants' collective activities with respect to the Defendants' accused products. Questions of fact common to the Defendants will arise in the action, including questions relating to Defendants' infringing acts and, on information and belief, the validity of the patents-in-suit.

THE PATENT-IN-SUIT

10. On January 10, 2006, United States Patent No. 6,986,069 ("the '069 Patent"), entitled "Methods and Apparatus for Static and Dynamic Power Management of Computer Systems," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '069 Patent is attached as Exhibit A to this Complaint.

11. ES is the assignee and owner of the right, title and interest in and to the '069 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,986,069

12. The allegations set forth in the foregoing paragraphs 1 through 11 are hereby realleged and incorporated herein by reference.

13. ES provided actual notice to each of the Oracle Entities of their infringement of the '069 Patent in separate letters dated June 12, 2013. In those letters, ES informed the Oracle Entities that they were infringing the '069 Patent by making, using, offering for sale, selling, and importing computer systems and components that contain the claimed power management features (the "Accused Instrumentalities"), including but not limited to the Sun x86 Servers, SPARC Servers, Sun Blade Server Modules, the Sun Blade 6000 Chassis, and the Oracle Enterprise Manager Ops Center. ES's letters further informed the Oracle Entities that they are infringing at least claim 1 of the '069 patent by making, using, offering for sale, selling, and

importing the Accused Instrumentalities which satisfy the limitations of claim 1 in at least the following manner:

(a) The Accused Instrumentalities include a plurality of computer systems, such as Sun x86 Servers, SPARC Servers, and Sun Blade Server Modules, each including a memory coupled to a processor. Each computer system has a power consumption level that is a measure of the amount of power consumed by that computer system. The computer systems collectively have an aggregate power consumption level that comprises a combination of the power consumption levels associated with each of the plurality of computer systems.

(b) The Accused Instrumentalities include a power source providing power to the plurality of computer systems.

(c) The Accused Instrumentalities include a power authority subsystem that allows an aggregate power cap to be specified for a group of computer systems. This power authority subsystem includes components such as the Oracle Integrated Lights Out Manger (“ILOM”) service processor in each blade or rack server, the chassis management service processor in each chassis, and the Oracle Enterprise Manager Ops Center software, although not all of these components may be present in all configurations. Once the aggregate power cap is specified, the power authority subsystem then manipulates the aggregate power consumption levels by managing the power consumption levels of the plurality of computer systems. This is accomplished by assigning a power cap to the service processor in each of the computer systems.

14. ES’s letters further informed the Oracle Entities that they are inducing infringement of the ‘069 Patent by actively aiding and abetting others to engage in the following

actions that constitute direct infringement: (1) performing the steps of the method claims in connection with use of the Accused Instrumentalities, (2) using the Accused Instrumentalities, and (3) combining the Accused Instrumentalities to make the claimed inventions. The letters explained that these other entities include the Oracle Entities' customers and end users of the Accused Instrumentalities. The letters further explained that the Oracle Entities also actively induce these other entities to engage in these actions by advertising, offering for sale, and selling the Accused Instrumentalities, and by providing user manuals, product documentation, and other instructions regarding the use of the power management features of the Accused Instrumentalities.

15. ES's letters further informed the Oracle Entities that they are contributing to infringement of the '069 patent by selling the Accused Instrumentalities to their customers and end users because the Accused Instrumentalities constitute a material part of the invention, were especially made or especially adapted for use in an infringement of the patent, and have no substantial non-infringing uses. In particular, the letters explained that the Accused Instrumentalities constitute a material part of the claimed invention at least because they contain the components that manage power consumption across multiple computer systems as claimed in the '069 Patent. Further, the letters explained that the Accused Instrumentalities were made or especially adapted for use in an infringement of the '069 Patent and have no substantial non-infringing uses at least because they contain components whose only purpose is to manage power consumption across multiple computer systems as claimed in the '069 Patent.

16. The Oracle Entities have had actual knowledge of the '069 Patent and their infringement of that patent since at least the date the Oracle Entities received the June 12, 2013 notice letters from ES.

17. In violation of 35 U.S.C. § 271(a), the Oracle Entities have directly infringed and continue to directly infringe, both literally and under the doctrine of equivalents, the '069 Patent by making, using, offering for sale, selling, and importing the Accused Instrumentalities in the United States without the authorization of ES.

18. Upon information and belief, the Oracle Entities have induced and continue to induce others to infringe the '069 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to engage in the following actions that constitute direct infringement: (1) performing the steps of the method claims in connection with use of the Accused Instrumentalities, (2) using the Accused Instrumentalities, and (3) combining the Accused Instrumentalities with each other and with other components, such as third-party power management software, to make the claimed inventions. These other entities include the Oracle Entities' customers and end users of the Accused Instrumentalities. The Oracle Entities actively induce these other entities to engage in these actions by advertising, offering for sale, and selling the Accused Instrumentalities, and by providing user manuals, product documentation, and other instructions regarding the use of the power management features of the Accused Instrumentalities. On information and belief, the Oracle Entities have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because the Oracle Entities have had actual knowledge of the '069 Patent and that their acts were inducing infringement of the '069 Patent since at least the date they received the notice letters from ES.

19. Upon information and belief, the Oracle Entities have contributed to infringement under 35 U.S.C. § 271(c) by selling the Accused Instrumentalities to their customers and end users because the Accused Instrumentalities constitute a material part of the invention, were

especially made or especially adapted for use in an infringement of the patent, and have no substantial non-infringing uses. In particular, the Accused Instrumentalities constitute a material part of the claimed invention at least because they contain the components that manage power consumption across multiple computer systems as claimed in the '069 Patent. Further, the Accused Instrumentalities were made or especially adapted for use in an infringement of the '069 Patent and have no substantial non-infringing uses at least because they contain components whose only purpose is to manage power consumption across multiple computer systems as claimed in the '069 Patent.

20. ES has been harmed by the Oracle Entities' infringing activities.

21. ES notified the Oracle Entities of their infringement of the '069 Patent including an identification of the particular infringing products and features, but the Oracle Entities thereafter continued to infringe the '069 Patent by continuing the activities described in Paragraphs 13-15 above. On information and belief, the Oracle Entities have not obtained an opinion of counsel regarding infringement or validity with respect to the claims of '069 Patent. The Oracle Entities' continued infringement has therefore been in reckless disregard of ES's patent rights. On information and belief, the Oracle Entities' infringement has been and continues to be willful.

JURY DEMAND

ES demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, ES respectfully requests that this Court enter judgment for ES and against the Oracle Entities as follows:

a. An adjudication that the Oracle Entities have infringed the '069 Patent;

- b. An award of damages to be paid by the Oracle Entities adequate to compensate ES for the Oracle Entities' past infringement of the '069 Patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- c. An injunction ordering the Oracle Entities to pay an ongoing royalty in an amount to be determined for any continued infringement after the date judgment is entered;
- d. An award of treble damages under 35 U.S.C. § 284;
- e. A declaration finding this to be an exceptional case, and awarding ES attorney fees under 35 U.S.C. § 285; and
- f. For such further relief at law and in equity as the Court may deem just and proper.

Dated: June 28, 2013

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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