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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 HEWLETT PACKARD ENTERPRISE  
17 COMPANY, a Delaware corporation,

18 Plaintiff,

19 v.

20 INSPUR GROUP CO., LTD., a Chinese  
21 Corporation; INSPUR ELECTRONIC  
INFORMATION INDUSTRY COMPANY,  
22 LTD., a Chinese company; AIVRES SYSTEMS  
INC., f/k/a INSPUR SYSTEMS, INC., a  
23 California corporation; BETAPEX INC., f/k/a  
INSPUR ASSET HOLDINGS, INC., a  
24 California corporation; INSPUR USA INC., a  
25 Washington corporation; and KAYTUS  
SINGAPORE PTE. LTD., a Singapore company.

26 Defendants.  
27  
28

Case No. 5:24-cv-2220

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

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1 Plaintiff Hewlett Packard Enterprise Company (“HPE”), for its Complaint against  
2 Defendants Inspur Group Co., Ltd. (“Inspur Group”); Inspur Electronic Information Industry  
3 Co., Ltd., also known as IEIT Systems Co., Ltd. or Inspur Information (“IEIT Systems”); Aivres  
4 Systems Inc., formerly known as Inspur Systems, Inc. (“Aivres”); Betapex Inc., formerly known  
5 as Inspur Asset Holdings, Inc. (“Betapex”); Inspur USA Inc. (“Inspur USA”), and KAYTUS  
6 Singapore Pte. Ltd. (“KAYTUS”) (collectively the “Inspur Defendants”), alleges as follows:

### 7 INTRODUCTION

8 1. Plaintiff HPE is a global edge-to-cloud company that pioneers innovative  
9 technology to advance the way people live and work, including its industry-leading general-  
10 purpose servers, rack servers, high density servers, and AI servers. HPE devotes considerable  
11 time, effort, and money to develop its products and services and its robust patent portfolio,  
12 comprising 10,000 active patents, supports HPE’s industry leading products and services, and  
13 also supports HPE’s technology transfer, licensing, sales, and collaboration initiatives.

14 2. The Inspur Defendants, a group of related companies comprising Inspur Group  
15 and its related entities, have been infringing and continue to infringe the HPE Asserted Patents  
16 without authorization to unfairly benefit from HPE’s innovation and investment. HPE  
17 repeatedly sought a meeting with the Inspur Defendants to discuss their infringement of HPE’s  
18 patents and Inspur’s need for a license, but the Inspur Defendants refused to respond to or  
19 acknowledge HPE’s calls and letters seeking a business solution to this dispute. Instead, the  
20 Inspur Defendants have continued to use HPE’s patented technology to offer infringing  
21 products in the United States. On information and belief, the Inspur Defendants also have  
22 sought to conceal their infringing conduct, such as by removing Inspur branding from products  
23 sold in the United States. On information and belief, much of the Inspur Defendants’ deceptive  
24 conduct has taken place in the wake of their placement on the Department of Commerce Bureau  
25 of Industry and Security Entity List, which “identifies entities for which there is reasonable  
26 cause to believe, based on specific and articulable facts, that the entities have been involved, are  
27 involved, or pose a significant risk of being or becoming involved in activities contrary to the  
28 national security or foreign policy interests of the United States ... .” Ex. 12 at 13673, 13680.



1 solutions across connectivity, cloud, and data. Those solutions are delivered as-a-service  
2 through the HPE GreenLake edge-to-cloud platform across HPE's Intelligent Edge, Server, and  
3 Hybrid Cloud business segments.

4 7. HPE's patent portfolio reflects the rich legacy of HPE's predecessor Hewlett-  
5 Packard Company and is foundational to modern computing platforms. With more than 10,000  
6 active patents, HPE's patent portfolio supports HPE's wide-ranging products and industry  
7 leading technology and also supports HPE's diverse technology transfer, licensing, sales, and  
8 collaboration initiatives. HPE has invested and continues to invest so that it can remain on the  
9 cutting edge of innovation, with over \$8 billion in R&D investment in the last five years alone.

10 8. In addition to having been founded in this judicial district, HPE has a significant  
11 presence in this judicial district. For example, HPE has two major facilities in this District, one  
12 located in San Jose and another located in Milpitas. Between these two locations, HPE employs  
13 more than 2,500 people in this District.

14 **B. The Inspur Defendants**

15 9. On information and belief, Defendant Inspur Group is a corporation existing  
16 under the laws of China and having a principal place of business at 1036 Langchao Rd., City of  
17 Jinan, Shandong Province, China.

18 10. On information and belief, Defendant IEIT Systems is a corporation existing  
19 under the laws of China and having a principal place of business at Building C, Number 2-1,  
20 Number 2 Shangdi Information Rd., Haldian District, Beijing, China. IEIT Systems operates  
21 under the name Inspur Electronic Information Industry Company, Ltd. and is also known as  
22 IEIT Systems and Inspur Information.

23 11. On information and belief, Defendant Aivres is a corporation formed under the  
24 laws of the State of California, having the entity number C3815827 and a principal place of  
25 business at 1501 McCarthy Blvd., Milpitas, California. Aivres also operates a research and  
26 development technology center at 3347 Gateway Blvd., Fremont, California and an operations  
27 center at 615 North King Rd., San Jose, California.

28 //

1 12. On information and belief, Defendant Betapex is a corporation formed under the  
2 laws of the State of California, having the entity number C4172190 and a principal place of  
3 business at 1501 McCarthy Blvd., Milpitas, California.

4 13. On information and belief, Defendant Inspur USA is a corporation formed under  
5 the laws of the State of Washington, having a principal place of business at 2010 156th Avenue  
6 Northeast, Suite 150, Bellevue, Washington.

7 14. On information and belief, Defendant KAYTUS Singapore Pte. Ltd. is a company  
8 formed under the laws of Singapore, having a principal place of business at 150 Beach Rd., #14-  
9 05/08, Gateway West, Singapore 189720.

10 15. On information and belief, the Inspur Defendants are a group of related companies  
11 that, each alone or working in concert, make, use, offer for sale, and sell in the United States,  
12 and/or import into the United States products that infringe the HPE Asserted Patents. On  
13 information and belief, Defendant IEIT Systems is one of three listed Chinese companies that  
14 comprise Defendant Inspur Group. On information and belief, Aivres, Betapex, and KAYTUS  
15 are wholly-owned and controlled indirect subsidiaries of IEIT Systems. On information and  
16 belief, Inspur USA is part of the Defendant Inspur Group and is a related company to IEIT  
17 Systems that is controlled by the same controlling shareholder as IEIT Systems.

#### 18 **FACTUAL BACKGROUND**

19 16. This Complaint focuses on five HPE patents directed to various aspects of server  
20 technology (collectively “the HPE Asserted Patents”).

21 17. HPE is the current owner by assignment of right, title, and interest in and to U.S.  
22 Patent No. 8,218,566 (“the ‘566 Patent”), titled “Systems and methods for making serial ports  
23 of existing computers available over a network.” The ‘566 Patent issued on July 10, 2012. The  
24 patent is generally directed to computer networks. A true and correct copy of the ‘566 Patent is  
25 attached as Exhibit 1.

26 18. HPE is the current owner by assignment of right, title, and interest in and to U.S.  
27 Patent No. 7,634,671 (“the ‘671 Patent”), titled “Determining power consumption in IT  
28 networks.” The ‘671 Patent issued on December 15, 2009. The patent is generally directed to

1 power consumption in IT networks. A true and correct copy of the '671 Patent is attached as  
2 Exhibit 2.

3 19. HPE is the current owner by assignment of right, title, and interest in and to U.S.  
4 Patent No. 9,229,737 ("the '737 Patent"), titled "Method and system of emulating devices  
5 across selected communication pathways through a terminal session." The '737 Patent issued on  
6 January 5, 2016. The patent is generally directed to communications between computer systems.  
7 A true and correct copy of the '737 Patent is attached as Exhibit 3.

8 20. HPE is the current owner by assignment of right, title, and interest in and to U.S.  
9 Patent No. 8,335,891 ("the '891 Patent"), titled "Method and system for configuring a storage  
10 array." The '891 Patent issued on December 18, 2012. The patent is generally directed to  
11 storage arrays. A true and correct copy of the '891 Patent is attached as Exhibit 4.

12 21. HPE is the current owner by assignment of right, title, and interest in and to U.S.  
13 Patent No. 8,108,508 ("the '508 Patent"), titled "Web server chip for network manageability".  
14 The '508 Patent issued on January 31, 2012. The patent is generally directed to computer  
15 network management. A true and correct copy of the '508 Patent is attached as Exhibit 5.

16 22. On information and belief, the Inspur Defendants, either alone or in concert,  
17 make, use, offer for sale, and sell in the United States, and/or import into the United States  
18 products (the "Accused Products") that infringe the HPE Asserted Patents. The Accused  
19 Products include servers, storage devices, networking devices, and software, such as the Inspur  
20 NF5280M5 server, the Aivres KR2280 server, the KAYTUS KR2280 server, the Inspur  
21 SAS3008 RAID Adapter, and the Inspur Physical Infrastructure Manager ("ISPIM") software.

22 23. For example, the Inspur NF5280M5 server includes each and every limitation of  
23 exemplary claim 1 of the '737 Patent, either literally or under the doctrine of equivalents, each  
24 and every limitation of exemplary claim 1 of the '891 Patent, either literally or under the  
25 doctrine of equivalents, and each and every limitation of exemplary claim 1 of the '508 Patent,  
26 either literally or under the doctrine of equivalents. *See* Exs. 8-10 (Claim Charts).





27 24. On information and belief, Inspur's NF5280M5 server product has been sold in  
28 the United States by Inspur Systems, Inc. as Model No. 5280M5. On information and belief, the



1 server product sold as Inspur’s NF5280M5 and Inspur Systems, Inc.’s 5280M5 has been  
 2 rebranded for sale in the United States by Aivres as KR2280-X1. *See*  
 3 <https://aivres.com/product/kr2280-x1/> (last accessed April 11, 2024). As shown in the table  
 4 below, the technical specifications for these two server products are substantially the same.

5 25. On information and belief, Aivres’ KR2280-X1 server product was succeeded by  
 6 a new generation server product, branded by Aivres as KR2280-X2. On information and belief  
 7 and as shown in the table below, Aivres’ KR2280-X2 product is identical to KAYTUS’  
 8 KR2280V2 server product.

9 26. On information and belief, Inspur’s NF5280M5, Aivres’ KR2280-X1, Aivres’  
 10 KR2280-X2, and KAYTUS’ KR2280V2 are all substantially the same, such that information  
 11 for the NF5280M5 is sufficient to show how these server products infringe, the ’737, ’891, and  
 12 ’508 Patents, either literally or under the doctrine of equivalents. *See* Exs. 8-10; *see also*  
 13 [https://www.inspur.com/eportal/fileDir/defaultCurSite/resource/cms/2020/08/2020081414060](https://www.inspur.com/eportal/fileDir/defaultCurSite/resource/cms/2020/08/2020081414060237143.pdf)  
 14 [237143.pdf](https://www.inspur.com/eportal/fileDir/defaultCurSite/resource/cms/2020/08/2020081414060237143.pdf) (last accessed April 11, 2024); <https://aivres.com/product/kr2280-x1/> (last accessed  
 15 April 11, 2024); <https://aivres.com/product/kr2280-x2/> (last accessed April 11, 2024);  
 16 <https://www.kaytus.com/product/server/11366.html> (last accessed Dec. 8, 2023).

	<i>Inspur NF5280M5</i>	<i>Aivres KR2280-X1</i>	<i>Aivres KR2280-X2</i>	<i>KAYTUS KR2280V2</i>
<b>Image</b>				
<b>Form Factor</b>	2U 2-socket rack mounted server	2U dual socket	2U Rack	2U Rack Server
<b>Processor</b>	Supporting Skylake/Cascade Lake Intel® Xeon® Scalable Processor 1/2	2 x Intel® Scalable 3rd Gen. Processors	2X 4th Gen. Intel Xeon Scalable processors	Up to one or two 4th Gen Intel Xeon Scalable Processors
<b>Memory</b>	DDR4 Registered, LRDMM	32 x DDR4 DIMM, Support RDIMM/LRDM M/BPS	Up to 32x DDR 5 DIMMs	Up to 32 DDR5 DIMMs
<b>RAID Card</b>	RAID 0, 1, 3, 10, 1E, 5, 50, 6, 60	1x Internal Mezzanine Card	1x RAID mezzanine and/or 1x Mezz raid card	RAID/SAS controller



1           27. As a further example, the Inspur NF5180M5 includes each and every limitation of  
2 exemplary claim 1 of the '566 Patent, either literally or under the doctrine of equivalents. *See*  
3 Ex. 6.

4           28. On information and belief, Inspur's NF5180M5 server product was sold in the  
5 United States by Inspur Systems, Inc. and Aivres as 5180M5. *See* [https://aivres.com/product/  
6 5180m6/](https://aivres.com/product/5180m6/) (last accessed Dec. 7, 2023). On information and belief, Aivres' 5180M5 has been  
7 rebranded for sale in the United States and is now sold by Aivres as KR1280-X1. *Compare*  
8 <https://aivres.com/product/5180m6/> (last accessed Dec. 7, 2023) with [https://aivres.com/  
10 product/kr1280-x1/](https://aivres.com/<br/>9 product/kr1280-x1/) (last accessed April 11, 2024). On information and belief, Aivres' KR1280-  
11 X1 product was succeeded by a new generation product, branded by Aivres as KR1280-X2. *See*  
12 <https://aivres.com/product/kr1280-x2/> (last accessed April 11, 2024). On information and belief,  
13 Aivres' KR1280-X2 product is identical to KAYTUS' KR1280V2 product. *See* [https://www.  
15 kaytus.com/product/server/11868.html](https://www.<br/>14 kaytus.com/product/server/11868.html) (last accessed Dec. 14, 2024). Therefore, on information  
16 and belief, the specifications for the NF5180M5 contain information sufficient to show how the  
17 Aivres KR1280-X1, Aivres KR1280-X2, and KAYTUS KR1280V2 infringe, either literally or  
18 under the doctrine of equivalents, the '566 Patent. *See* Ex. 6.

19           29. Aivres and KAYTUS offer or have offered for sale, and sell or have sold, other  
20 server products in the United States which on information and belief have substantially the same  
21 components arranged in substantially the same way, and operate in substantially the same way,  
22 as the exemplary Inspur NF5280M5 and NF5180M5, including at least the following server  
23 products: KR1180V2, KR2180V2, KR1280V2, KR2280V2, KR1180V1, KR2180V1,  
24 KR1280V1, KR2280V1, KR2260V1, KR2460V2, KR4480V2, KR6680V2, KR2460V1,  
25 KR4480V1 (collectively the "Accused Server Products"). Upon information and belief, other  
26 servers sold under at least the Inspur brand name prior to the rebranding also comprise the  
27 "Accused Server Products," which is not limited to the exemplary server products listed herein.

28           30. The Inspur ISPIM software includes each and every limitation of exemplary claim  
1 of the '671 Patent, either literally or under the doctrine of equivalents. *See* Ex. 7. On  
information and belief, Inspur's ISPIM software is provided to customers either upon the sale of

1 an Inspur, Aivres, or KAYTUS server product in the United States, or upon customer request.  
2 On information and belief and as shown below, Inspur's ISPIM software controls the operation  
3 and control of Inspur, Aivres, KAYTUS server products that are sold in the United States. On  
4 information and belief, Inspur's ISPIM software is also capable of controlling the operation and  
5 control of servers manufactured and sold by third parties.

6 31. HPE made multiple attempts to meet with the Inspur Defendants regarding their  
7 infringement of HPE's patents, but has been unsuccessful in doing so. On August 11, 2021,  
8 HPE sought meetings with Inspur through the US and China Inspur "Contact Request" forms on  
9 the Inspur websites. HPE did not receive a response to either request. HPE thereafter sent a first  
10 letter to Mr. Leon Zheng, CEO of Inspur Systems, Inc., in Milpitas, California, on August 24,  
11 2021. *See* Ex. 11. HPE followed that letter up with phone calls to Mr. Zheng that went to voice  
12 mail and, again, HPE received no response. On October 8, 2021, HPE sent a letter to Mr. Peng  
13 Zhen, Vice Chairman/President/CEO, and Mr. Wang Xun, Group Legal and Investment AGM,  
14 both of Inspur Electronic Information Co., Ltd. in Shandong, China. *See* Ex. 11. Again, HPE  
15 received no response. HPE sent another letter on February 4, 2022, addressed to Mr. Leon  
16 Zheng, CEO of Inspur Systems Inc. (now known as Aivres) and Jenny Liu, Inspur Systems  
17 Inc.'s agent for service of process in California, with a copy to Inspur's counsel of record in a  
18 then-pending district court case in Washington State. *See* Ex. 11. That letter identified  
19 exemplary Inspur products that infringe HPE's patents, including the HPE Asserted Patents. Yet  
20 again, HPE did not receive a response to its letter.

21 32. The Inspur Defendants' actions have caused HPE harm and will cause further  
22 harm to HPE if the Inspur Defendants' actions continue. In addition, the Inspur Defendants'  
23 knowing acts of infringement will frustrate HPE's continued strong business relationships,  
24 contracts, and potential contracts, resulting in lost sales and profits, and otherwise are or will  
25 cause substantial harm to HPE's business.

26 33. As a result of the Inspur Defendants' actions, HPE brings this action to protect its  
27 intellectual property and its reputation as a worldwide leader in the sale of general purpose  
28 servers, rack servers, high density servers, and AI servers.

**JURISDICTION AND VENUE**

1  
2 34. This action arises under the patent laws of the United States, Title 35 of the  
3 United States Code. This Court has subject matter jurisdiction over this action pursuant to 28  
4 U.S.C. §§ 1331 and 1338(a).

5 35. *Defendant Inspur Group*. This Court has personal jurisdiction over Defendant  
6 Inspur Group because Defendant Inspur Group has, directly or acting in concert with  
7 Defendants IEIT Systems, Aivres, Inspur USA, Betapex, and/or KAYTUS, committed acts  
8 giving rise to this action within California and within this judicial district, and/or has established  
9 minimum contacts with California such that the exercise of jurisdiction would not offend  
10 traditional notions of fair play and substantial justice.

11 36. Defendant Inspur Group has placed, and is continuing to place, infringing  
12 products into the stream of commerce via an established distribution channel and with the  
13 knowledge and/or understanding that such products are sold in California, including in this  
14 judicial district. This established distribution channel includes Defendants IEIT Systems,  
15 Aivres, Betapex, Inspur USA, and KAYTUS, each of which alone and/or working in concert  
16 with Defendant Inspur Group have placed infringing products into the stream of commerce.

17 37. Defendant Inspur Group bills itself as “a leading cloud computing and big data  
18 service provider in China” whose “main business involved computing equipment, software,  
19 cloud computing services, new generation communication, big data and several application  
20 scenarios.” See <https://www.inspur.com/lcjtww/gylc32/2315125/index.html> (last accessed April  
21 11, 2024). On information and belief, Defendant Inspur Group “ships its IT products and  
22 services to more than 113 countries and regions around the world,” including to the United  
23 States. See <https://www.inspurusainc.com/inspur-history> (last accessed April 11, 2024).

24 38. On information and belief, Defendant Inspur Group holds three active trademarks  
25 in the United States that are registered with the USPTO. For example, Defendant Inspur Group  
26 is the assignee of the live registered word mark “Inspur,” which is registered under U.S.  
27 registration number 3493975. The word mark appearing on the USPTO website appears below:

28 //



39. On information and belief, Defendant Inspur Group places and has placed Accused Products bearing this word mark into the stream of commerce in the United States, including in this judicial district. For example, on information and belief, as of at least March 29, 2023, the photo of the NF8480M6 server available for sale in the United States by Inspur Systems, Inc. (now known as Defendant Aivres) bore the same stylized Inspur word mark that is registered to Defendant Inspur Group. See <https://web.archive.org/web/20230329074609/https://www.inspursystems.com/product/nf8480m6/> (last accessed April 11, 2024).



1           40. On March 6, 2023, Defendant Inspur Group was added to the United States  
2 Department of Commerce Bureau of Industry and Security Entity List (the “Entity List”), which  
3 “identifies entities for which there is reasonable cause to believe, based on specific and  
4 articulable facts, that the entities have been involved, are involved, or pose a significant risk of  
5 being or becoming involved in activities contrary to the national security or foreign policy  
6 interests of the United States ... .” Ex. 12 at 13673, 13680. On information and belief, the  
7 placement of Defendant Inspur Group on the Entity List led to negative press coverage for  
8 Defendant Inspur Group.

9           41. On information and belief, Defendant Inspur Group changed the name of at least  
10 one entity that places Accused Products into the stream of commerce in the United States and in  
11 this judicial district shortly after being placed on the Entity List, renaming Defendant Aivres  
12 from Inspur Systems, Inc. to Aivres Systems, Inc. on May 1, 2023. *See* Ex. 14. On information  
13 and belief, on or around June 4, 2023, the website for Inspur Systems, Inc. was taken down.  
14 *Compare* <https://web.archive.org/web/20230604200933/https://www.inspursystems.com/> with  
15 <https://web.archive.org/web/20230608151357/https://www.inspursystems.com/> (last accessed  
16 April 11, 2024). On information and belief, on or around July 23, 2023, the website relaunched  
17 under the name and branding of Aivres Systems, Inc. *See* [https://web.archive.org/web/](https://web.archive.org/web/20230723065058/https://aivres.com/)  
18 [20230723065058/https://aivres.com/](https://web.archive.org/web/20230723065058/https://aivres.com/) (last accessed April 11, 2024).

19           42. On information and belief, Defendant Inspur Group continues to place Accused  
20 Products into the stream of commerce in the United States, including in California and in this  
21 judicial district, but it no longer sells these products under the Inspur brand name due to the  
22 placement of Defendant Inspur Group on the Entity List. For example, on information and  
23 belief, the products sold by and through Defendant Aivres in the United States, including in  
24 California and this judicial district, are the same Inspur products manufactured and sold by  
25 Defendant Inspur Group. As one example, Defendant Inspur Group sells or has sold the  
26 IR5280M6, and Aivres sells or has sold the 5280M6, both of which have the same product  
27 designation except for the prefix “IR” on the Inspur product. On information and belief, the  
28 product photos depict the same product and the products have the same technical specifications.

1 Compare <https://www.inspur.com/lcjtww/2593427/crhytj/2617136/index.html> (last accessed  
2 April 11, 2024) with <https://aivres.com/product/5280m6/> (last accessed Dec. 6, 2023). These  
3 Accused Products are available for purchase through Aivres in the United States, including in  
4 California and in this judicial district. See <https://aivres.com/company/>; [https://aivres.com/  
5 contact-us/](https://aivres.com/contact-us/) (last accessed Dec. 6, 2023).

6 43. Due to Defendant Inspur Group's purposeful and voluntary placement of the  
7 Accused Products into the stream of commerce, with the intention and expectation that the  
8 Accused Products will be purchased and used by customers in United States as well as in the  
9 Northern District of California, the exercise of personal jurisdiction over Defendant Inspur  
10 Group is proper under the applicable jurisdictional statutes and would not offend traditional  
11 notions of fair play and substantial justice.

12 44. Venue is proper in this jurisdiction as to Defendant Inspur Group pursuant to 28  
13 U.S.C. §§ 1391(b) and (c) because Defendant Inspur Group is a foreign corporation that may be  
14 sued in any judicial district.

15 45. **Defendant IEIT Systems.** This Court has personal jurisdiction over Defendant  
16 IEIT Systems because it has, directly or acting in concert with Defendants Inspur Group,  
17 Aivres, Inspur USA, Betapex, and/or KAYTUS, committed acts giving rise to this action within  
18 California and within this judicial district and/or has established minimum contacts with  
19 California such that the exercise of jurisdiction would not offend traditional notions of fair play  
20 and substantial justice.

21 46. On information and belief, Defendant IEIT Systems has at least three wholly-  
22 owned and controlled indirect subsidiaries with established regular places of business in this  
23 judicial district: Aivres, with established regular places of business in Fremont, San Jose, and  
24 Milpitas, California; and Betapex and KAYTUS, which also use the Aivres Milpitas, California  
25 location as a regular and established place of business. See Exs. 13, 14; see also [https://web.  
26 archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html](https://web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html) (last  
27 accessed April 11, 2024).

28 ////



1           47. On information and belief, Defendant IEIT Systems also has a regular and  
2 established place of business in this judicial district. According to its website, “IEIT SYSTEMS  
3 has four centers systems around the world,” with one of these innovation centers being in  
4 “Silicon Valley.” See <https://en.ieisystem.com/ai-innovation-demo-center/index.html> (last  
5 accessed April 11, 2024). On information and belief, Defendant IEIT System’s Silicon Valley  
6 innovation center is operated out of the regular and established places of business of its  
7 subsidiaries, Defendants Aivres, Betapex and/or KAYTUS, that exist in this District.

8           48. Defendant IEIT Systems has placed, and is continuing to place, infringing  
9 products into the stream of commerce, via an established distribution channel and with the  
10 knowledge and/or understanding that such products are sold in California, including in this  
11 judicial district. This established distribution channel includes Defendants Inspur Group, Aivres,  
12 Betapex, Inspur USA, and KAYTUS, each of which alone or working in concert with  
13 Defendant IEIT Systems have placed infringing products into the stream of commerce.

14           49. On information and belief, Defendant IEIT Systems holds 21 active trademarks in  
15 the United States, registered with the USPTO. Defendant IEIT Systems’ active U.S. trademarks  
16 include “IEIT” (Reg. No. 97883372 and Reg. No. 97883398), “IEITSYSTEMS” (Reg. No.  
17 98089385), “IEIS” (Reg. No. 97836737), and “IEISYSTEM” (Reg No. 97836710 and Reg. No.  
18 97836827).

19           50. On information and belief, Defendant IEIT Systems sells the same products as  
20 Defendants Aivres and KAYTUS and is responsible, in whole or in part, for placing these  
21 products into the stream of commerce in the United States. These products include the Accused  
22 Products. For example, Defendant IEIT Systems sells the NF5180M6, and Defendant Aivres  
23 sells the 5180M6, both of which have the same product designation except for the prefix “NF”  
24 on the IEIT Systems product. On information and belief, the product photos depict the same  
25 product and the products have the same technical specifications. Compare [https://en.ieisystem](https://en.ieisystem.com/product/server/8401.html)  
26 [.com/product/server/8401.html](https://en.ieisystem.com/product/server/8401.html) (last accessed April 11, 2024) with [https://aivres.com/](https://aivres.com/product/5180m6/)  
27 [product/5180m6/](https://aivres.com/product/5180m6/) (last accessed Dec. 7, 2023). These Accused Products are available for  
28 purchase through Defendant Aivres in the United States, including in California and in this



1 judicial district. *See* <https://aivres.com/company>; <https://aivres.com/contact-us/> (last accessed  
2 Dec. 6, 2023).

3 51. On information and belief, Defendant IEIT Systems places Accused Products that  
4 are sold by Defendants Aivres and/or KAYTUS in the United States into the stream of  
5 commerce by importing them or causing them to be imported, in whole or in part, into the  
6 United States, including into this judicial district. *See* Ex. 15. For example, Defendant Aivres  
7 has received shipments of servers and server parts to its address at 615 N King Road in San  
8 Jose, California from shipper Shandong IEIT Systems Import Export, which on information and  
9 belief is a wholly-owned subsidiary of Defendant IEIT Systems. *See* Exs. 13, 15. The product  
10 descriptions for many of these systems shipments includes email addresses with the IEIT  
11 Systems domain name @ieisystem.com which, on information and belief, indicates the products  
12 originated with or were placed in the stream of commerce in the United States and in this  
13 judicial district by Defendant IEIT Systems. *See* Ex. 15.

14 52. On information and belief, Defendant IEIT Systems has also purposefully availed  
15 itself of California and this judicial district by attending trade shows in San Jose, California. For  
16 example, in November 2021, Defendant IEIT Systems attended the 2021 OCP Global Summit,  
17 where it showcased the NF5180M6 server. *See* [https://www.businesswire.com/news/home/  
18 20211109005818/en/Inspur-Information-Presents-How-it-is-Accelerating-Enterprise-Adoption-  
19 of-Fully-integrated-Open-Computing-Platforms-and-AI-Innovations-at-the-2021-OCP-Global-  
20 Summit](https://www.businesswire.com/news/home/20211109005818/en/Inspur-Information-Presents-How-it-is-Accelerating-Enterprise-Adoption-of-Fully-integrated-Open-Computing-Platforms-and-AI-Innovations-at-the-2021-OCP-Global-Summit) (last accessed April 11, 2024). As another example, on information and belief,  
21 Defendant IEIT Systems attended the 2022 OCP Global Summit in October 2022 in San Jose,  
22 California, where it showcased the Inspur NF5180M6, NF5280A6, and NF5280R6 enterprise  
23 servers, as well as the high-density cloud-optimized system called Inspur NF8260M6. *See*  
24 [https://insidehpc.com/2022/10/inspur-information-shows-open-compute-project-technology-at-  
25 2022-ocp-global-summit/](https://insidehpc.com/2022/10/inspur-information-shows-open-compute-project-technology-at-2022-ocp-global-summit/) (last accessed April 11, 2024).

26 53. Venue is proper in this jurisdiction as to Defendant IEIT Systems pursuant to 28  
27 U.S.C. §§ 1391(b) and (c) because Defendant IEIT Systems is a foreign company that may be  
28 sued in any judicial district.

1           54. **Defendant Aivres.** This Court has personal jurisdiction over Defendant Aivres  
2 because it is a California corporation with a principal place of business at 615 North King Road  
3 in San Jose, California, which is in this judicial district. Aivres has availed itself of the laws of  
4 the State of California by incorporating in the State and by operating its headquarters in San  
5 Jose, California, which is within this judicial district and from which it conducts regular and  
6 systematic business activities, including those that give rise to its infringement of the HPE  
7 Asserted Patents.

8           55. On information and belief, Defendant Aivres also has a regular and established  
9 place of business at 1501 McCarthy Boulevard in Milpitas, California, which is in this judicial  
10 district. Defendant Aivres has also availed itself of the laws of the State of California by  
11 operating this regular and established place of business from which it conducts regular and  
12 systemic business activities, including those that give rise to its infringement of the HPE  
13 Asserted Patents.

14           56. On information and belief, Defendant Aivres is a wholly-owned indirect  
15 subsidiary of Defendant IEIT Systems and functions as the United States face of the Inspur  
16 conglomerate, including Defendants IEIT Systems, Inspur Group, and KAYTUS. According to  
17 California Secretary of State records, Defendant Aivres was known as Inspur Systems, Inc. until  
18 May 1, 2023. *See* Ex. 14.

19           57. On information and belief, prior to its name change, Defendant Aivres publicly  
20 presented itself as “Inspur” rather than “Inspur Systems.” For example, images from Google  
21 Maps Streetview from 2021 and 2022 show that its prior location on McCarthy Boulevard was  
22 branded with the same Inspur logo to which Defendant Inspur Group holds a trademark. *See*  
23 [https://www.google.com/maps/@37.4077567,-121.9203101,3a,75y,239.15h,91.66t/data=](https://www.google.com/maps/@37.4077567,-121.9203101,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1s0GlxRyYEGZBzQ_SLneDrnQ!2e0!5s20210401T000000!7i16384!8i8192?entry=ttu)  
24 [!3m7!1e1!3m5!1s0GlxRyYEGZBzQ\\_SLneDrnQ!2e0!5s20210401T000000!7i16384!8i8192?](https://www.google.com/maps/@37.4077567,-121.9203101,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1s0GlxRyYEGZBzQ_SLneDrnQ!2e0!5s20210401T000000!7i16384!8i8192?entry=ttu)  
25 [entry=ttu; https://www.google.com/maps/@37.4078769,-121.9203493,3a,75y,239.15h,](https://www.google.com/maps/@37.4078769,-121.9203493,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1sFjxYsC_tsMhteykP28ihRg!2e0!6https:%2F%2Fstreetviewpixels-)  
26 [91.66t/data=!3m7!1e1!3m5!1sFjxYsC\\_tsMhteykP28ihRg!2e0!6https:%2F%2Fstreetviewpixels-](https://www.google.com/maps/@37.4078769,-121.9203493,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1sFjxYsC_tsMhteykP28ihRg!2e0!6https:%2F%2Fstreetviewpixels-)  
27 [pa.googleapis.com %2Fv1%2Fthumbnail%3Fpanoid%3DFjxYsC\\_tsMhteykP28ihRg](https://www.google.com/maps/@37.4078769,-121.9203493,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1sFjxYsC_tsMhteykP28ihRg!2e0!6https:%2F%2Fstreetviewpixels-)  
28 [%26cb\\_client%3Dsearch.gws-prod.gps%26w%3D86%26h%3D86%26yaw%3D332.34406](https://www.google.com/maps/@37.4078769,-121.9203493,3a,75y,239.15h,91.66t/data=!3m7!1e1!3m5!1sFjxYsC_tsMhteykP28ihRg!2e0!6https:%2F%2Fstreetviewpixels-)

1 [%26pitch%3D0%26 thumbfov%3 D100!7i16384!8i8192? entry=ttu](#) (last accessed April 11,  
2 2024).

3 58. The website of Inspur Systems Inc. (inspursystems.com) was publicly active from  
4 approximately 2016 until spring 2023 and portrayed Defendant Aivres as the United States face  
5 of the Inspur brand. For example, as of at least June 4, 2023, the inspursystems.com “About Us”  
6 page stated, “Inspur is a leading data center and cloud computing solutions provider, ranked  
7 among the world’s top 3 server vendors.” See [https://web.archive.org/web/20230604204046/  
8 https://www.inspursystems.com/company/](https://web.archive.org/web/20230604204046/https://www.inspursystems.com/company/) (last accessed April 11, 2024). The same page  
9 depicted a map of Inspur locations throughout the world, including China and the United States  
10 and including two locations in this judicial district, the “Milpitas Intelligent Factory, US” and  
11 the “Freemont Facility, US.” *Id.*

12 59. Further, as of at least June 4, 2023, the inspursystems.com “Support Center” page  
13 set forth the “Inspur Hardware Service & Warranty Policy,” which stated, “Inspur warrants that  
14 all Inspur-branded hardware products shall provide a period of three (3) year warranty.” See  
15 [https://web.archive.org/web/20230604200614/https://www.inspursystems.com/support-center/;](https://web.archive.org/web/20230604200614/https://www.inspursystems.com/support-center/)  
16 [https://web.archive.org/web/20230329065433/https://www.inspursystems.com/support-center/  
17 service-warranty/](https://web.archive.org/web/20230329065433/https://www.inspursystems.com/support-center/service-warranty/) (last accessed April 11, 2024). Customers of Inspur Systems, Inc. could  
18 obtain product support by emailing [serversupportusa@inspur.com](mailto:serversupportusa@inspur.com). *Id.*

19 60. As of at least June 4, 2023, the inspursystems.com blog page entitled “Inspur  
20 Blog” contained numerous references to “Inspur Information,” which was an alias of IEIT  
21 Systems. See [https://web.archive.org/web/20230604195542/https://www.inspursystems.com/  
22 blog/](https://web.archive.org/web/20230604195542/https://www.inspursystems.com/blog/) (last accessed April 11, 2024); Ex. 13. For example, a blog article titled “2022 Year in  
23 Review” published on February 11, 2023 stated, “2022 for Inspur Information has been a year  
24 of relentless technological innovation...,” and listed “Achievements and Milestones” including  
25 “Inspur expands open compute offerings with four newly certified OCP Inspired products—  
26 general-purpose enterprise servers NF5180M6, NF5280A6, NF5280R6, and the high-density  
27 cloud-optimized NF8260M6...” See [https://web.archive.org/web/20230329071703/https://www.  
28 inspursystems.com/blog/2022-year-in-review](https://web.archive.org/web/20230329071703/https://www.inspursystems.com/blog/2022-year-in-review) (last accessed April 11, 2024).

1           61. On information and belief, in Spring 2023, at or around the same time that the  
2 name and branding of Inspur Systems, Inc. was changed to Aivres, Defendant Inspur Group and  
3 related entities experienced negative press coverage related to Defendant Inspur Group's  
4 placement on the Entity List. See [https://www.datacenterdynamics.com/en/news/us-](https://www.datacenterdynamics.com/en/news/us-government-blacklists-chinas-largest-server-maker-inspur-used-by-cisco-ibm-intel-nvidia/)  
5 [government-blacklists-chinas-largest-server-maker-inspur-used-by-cisco-ibm-intel-nvidia/](https://www.datacenterdynamics.com/en/news/us-government-blacklists-chinas-largest-server-maker-inspur-used-by-cisco-ibm-intel-nvidia/) (last  
6 accessed April 11, 2024); [https://www.reuters.com/world/china/us-reviewing-chinas-inspur-](https://www.reuters.com/world/china/us-reviewing-chinas-inspur-group-entity-listing-2023-03-07/)  
7 [group-entity-listing-2023-03-07/](https://www.reuters.com/world/china/us-reviewing-chinas-inspur-group-entity-listing-2023-03-07/) (last accessed April 11, 2024); [https://www.ft.com/content/](https://www.ft.com/content/cb5f9c59-b20f-447a-b288-a518e69948b7)  
8 [cb5f9c59-b20f-447a-b288-a518e69948b7](https://www.ft.com/content/cb5f9c59-b20f-447a-b288-a518e69948b7) (last accessed April 11, 2024); [https://finance.yahoo.](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak)  
9 [com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce\\_referrer=aHR0](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak)  
10 [cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAALb\\_5z6xESpRbpdZf](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak)  
11 [QGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I\\_fGBhjylz6LSyy6k](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak)  
12 [6MhoIPsiG\\_qbrfkZ6Q5A2lBKi5v\\_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak)  
13 [3XprOMp91mctYTG-Dak](https://finance.yahoo.com/news/tech-war-china-listed-unit-093000271.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALb_5z6xESpRbpdZfQGJZDMqe9yDC2X7LuVQFO4BnaisaiJm4BYSQLZq60CCfCR0p063I_fGBhjylz6LSyy6k6MhoIPsiG_qbrfkZ6Q5A2lBKi5v_mDq6GROvjXDQK-yqV144xq7x3JTKN0zlVRo4LfPs3XprOMp91mctYTG-Dak) (last accessed April 11, 2024).

14           62. On information and belief, Defendant Aivres has continued the same or  
15 substantially similar business activities as it did when it was publicly known as Inspur Systems,  
16 Inc. and likewise has maintained its role as a United States presence of Defendant IEIT Systems  
17 and/or Defendant Inspur Group despite removing public references to the Inspur name from its  
18 current website and product branding.

19           63. Venue is proper in this jurisdiction as to Defendant Aivres pursuant to 28 U.S.C.  
20 §§ 1391(b) and 1400(b) because Defendant Aivres is incorporated in California with its  
21 principal place of business in San Jose, California and is thus a resident of this judicial district.

22           64. **Defendant Betapex.** This Court has personal jurisdiction over Defendant Betapex  
23 because it is a California corporation with a principal place of business at 615 North King Road  
24 in San Jose, California, which is in this judicial district. Defendant Betapex has availed itself of  
25 the laws of the State of California by incorporating in the State and by operating its  
26 headquarters in San Jose, California, which is within this judicial district and from which it  
27 conducts regular and systematic business activities, including those that give rise to its  
28 infringement of the HPE Asserted Patents.

1           65. On information and belief, Defendant Betapex is a wholly-owned indirect  
2 subsidiary of Defendant IEIT Systems and functions as a real estate investment company that  
3 owns facilities used by the Inspur conglomerate, including facilities in this judicial district, to  
4 conduct activities that infringe the HPE Asserted Patents, including manufacturing and sale of  
5 the Accused Products. *See* Ex. 13. Defendant Betapex owns the office complex at 1501  
6 McCarthy Boulevard in Milpitas, California, which has been a regular and established place of  
7 business of Defendant Aivres and is also listed as the United States office of KAYTUS. *See* Ex.  
8 16; [https://web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/](https://web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html)  
9 [index.html](https://web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html) (last accessed April 11, 2024).

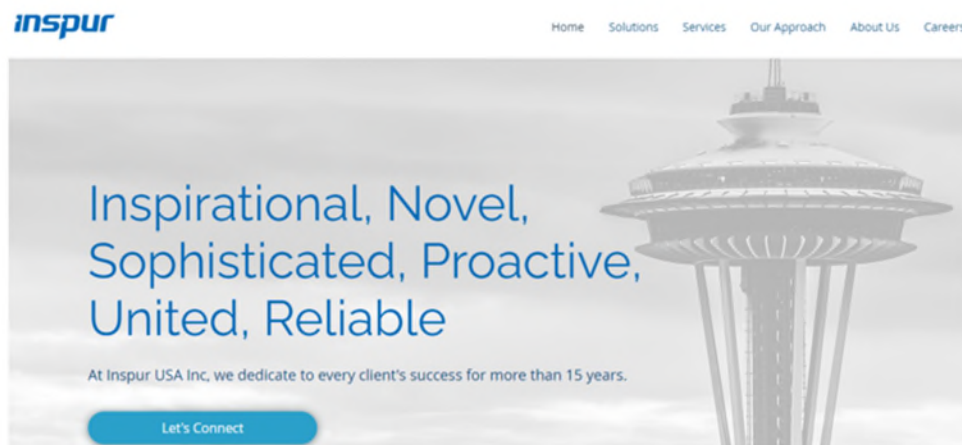
10           66. Defendant Betapex was known as Inspur Asset Holdings, Inc. until on or around  
11 September 18, 2023, when it registered a name change with the California Secretary of State.  
12 *See* Ex. 14. On information and belief, the name change was effected due to the placement of  
13 Defendant Inspur Group on the entity list and the negative press coverage that followed  
14 thereafter.

15           67. Venue is proper in this jurisdiction as to Defendant Betapex pursuant to 28 U.S.C.  
16 §§ 1391(b) and 1400(b) because Defendant Betapex is incorporated in California with its  
17 principal place of business in San Jose, California and is thus a resident of this judicial district.

18           68. ***Defendant Inspur USA.*** This Court has personal jurisdiction over Defendant  
19 Inspur USA because Defendant Inspur USA is registered as a foreign corporation in the State of  
20 California with a California office in this judicial district at 480 McCarthy Boulevard, Suite  
21 150, Milpitas. *See* Ex. 14. Defendant Inspur USA has availed itself of the laws of the State of  
22 California by registering in this State and operating out of an office in this judicial district,  
23 where it conducts regular and systematic business activities, including those that give rise to its  
24 infringement of the HPE Asserted Patents. Accordingly, exercise of personal jurisdiction over  
25 Defendant Inspur USA would not offend traditional notions of fair play and substantial justice.

26           69. On information and belief, Defendant Inspur USA is part of the Inspur Group and  
27 is a related company to Defendant IEIT Systems that is controlled by the same controlling  
28 shareholder as Defendant IEIT Systems. *See* <https://www.inspurusainc.com/inspur-history> (last

1 accessed April 11, 2024); *see also* Ex. 13 at 26, 138. Defendant Inspur USA’s “Our History”  
 2 page explains that “Inspur is a Global IT Solution Provider” and is the “No. 1 Server  
 3 Manufacturer in China.” *See* <https://www.inspurusainc.com/inspur-history> (last accessed April  
 4 11, 2024). Its homepage includes the same stylized Inspur logo to which Defendant Inspur  
 5 Group holds a trademark. *See* <https://www.inspurusainc.com/> (last accessed April 11, 2024).



14 70. On information and belief, Defendant Inspur USA sells, offers for sale, and/or  
 15 assists customers in the design, manufacture, and installation of Accused Products in the United  
 16 States, including in this judicial district. For example, Defendant Inspur USA’s “Service  
 17 Offerings” include “Corporate IT and Data Center IT Infrastructure Solutions,” which  
 18 Defendant Inspur USA describes as “IT Physical Infrastructure Design, Specification and  
 19 Implementation for Corporate IT, Data Center and Edge environments: From power distribution  
 20 and cooling solutions to cabinet design and network connectivity specification.” *See*  
 21 <https://www.inspurusainc.com/information-communication-technolog> (last accessed April 11,  
 22 2024). As another example, “Inspur USA Inc offers hardware solution that [sic] tailored to your  
 23 applications and budget, and our team assists you throughout the whole process: From  
 24 Topology Design and Supply to On-site Installation and Configuration.” *Id.* As a third example,  
 25 Inspur USA offers “On-site and Remote Technical Support” and states that “[o]ur global  
 26 footprint enables us to provide you with technical support where your organization needs it.” *Id.*  
 27 On information and belief, Defendant Inspur USA implements its corporate IT, data center, and  
 28 edge environments using the Accused Products, which it sells to customers either on behalf of



1 or in concert with other Defendants, including Inspur Group, Aivres, and KAYTUS. *See*  
2 <https://www.inspurusainc.com/inspur-history> (last accessed April 11, 2024). On information  
3 and belief, Defendant Inspur USA’s services include assembly and installation of the Accused  
4 Products as well as instruction of customers on their use. *See id.*; *see also* [https://www.  
5 inspurusainc.com/information-communication-technolog](https://www.inspurusainc.com/information-communication-technolog) (last accessed April 11, 2024).

6 71. On information and belief, Defendant Inspur USA conducts its activities that  
7 infringe the HPE Asserted Patents, such as sale, offer for sale, assembly, manufacturing,  
8 configuration, and instruction for use of the Accused Products, from its location in this judicial  
9 district at 408 N. McCarthy Boulevard in Milpitas. In its 2022 filing with the California  
10 Secretary of State, Defendant Inspur USA identified the activities that took place at that location  
11 as “hardware manufacturing and IT consulting.” *See* Ex. 14. On information and belief, the  
12 hardware manufacturing and IT consulting activities that Defendant Inspur USA conducts at its  
13 Milpitas location, which is a regular and established place of business in this District, are  
14 manufacturing and consulting activities that involve the Accused Products. *See*  
15 <https://www.inspurusainc.com/inspur-history> (last accessed April 11, 2024); *see also*  
16 <https://www.inspurusainc.com/information-communication-technolog> (last accessed April 11,  
17 2024) .

18 72. Venue is proper in this jurisdiction as to Defendant Inspur USA pursuant to 28  
19 U.S.C. §§ 1391(b) and 1400(b) because Defendant Inspur USA has committed acts of  
20 infringement in this judicial district and has a regular and established place of business in this  
21 judicial district.

22 73. ***Defendant KAYTUS.*** This Court has personal jurisdiction over Defendant  
23 KAYTUS because Defendant KAYTUS has a regular and established place of business in this  
24 judicial district from which it sells Accused Products that infringe the HPE Asserted Patents.  
25 Defendant KAYTUS has also sold or offered for sale Accused Products in this judicial district  
26 by attending trade shows in this District. Accordingly, Defendant KAYTUS has availed itself of  
27 the laws of the State of California and has conducted infringing activities in this judicial district,

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1 such that exercise of personal jurisdiction over Defendant KAYTUS would not offend  
2 traditional notions of fair play and substantial justice.

3 74. Defendant KAYTUS sells server products, including rack and tower servers,  
4 multi-node servers, artificial intelligence servers, and edge computing servers, that on  
5 information and belief, infringe the Asserted Patents. *See* [https://www.kaytus.com/product/  
6 index.html](https://www.kaytus.com/product/index.html) (last accessed Dec. 7, 2023). Defendant KAYTUS sells Accused Products in the  
7 United States through or in concert with Defendant Aivres, which “is the sole provider of  
8 KAYTUS products and solutions in the US.” *See* <https://aivres.com/company> (last accessed  
9 Dec. 6, 2023). Defendant KAYTUS identifies the Aivres location at 1501 McCarthy Boulevard  
10 in Milpitas, California, which is in this judicial district, as its United States office. *See* [https://  
11 web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html](https://web.archive.org/web/20231204152754/https://www.kaytus.com/about/contact/index.html) (last  
12 accessed April 11, 2024). Accordingly, Defendant KAYTUS has committed acts of  
13 infringement within this judicial district.

14 75. Defendant KAYTUS has also participated in trade shows in this judicial district  
15 where, on information and belief, it sold, offered for sale, and/or instructed customers on the use  
16 of Accused Products. For example, Defendant KAYTUS attended the 2023 OCP Global  
17 Summit in San Jose, California from October 17-19, 2023. *See* [https://www.kaytus.com/  
18 about/events-list/index.html](https://www.kaytus.com/about/events-list/index.html); <https://www.kaytus.com/about/news/11047.html> (last accessed  
19 April 11, 2024). On information and belief, Defendant KAYTUS gave at least two presentations  
20 at the 2023 OCP Global Summit in conjunction with Defendant Aivres, where Defendant  
21 KAYTUS discussed the Accused Products and gave instructions for their use. *See* [https://www.  
22 youtube.com/watch?v=dAgPoCKjjOw](https://www.youtube.com/watch?v=dAgPoCKjjOw); [https://www.youtube.com/watch?v=PdKuV  
23 3H6eE&t=18s](https://www.youtube.com/watch?v=PdKuV3H6eE&t=18s) (last accessed April 11, 2024).

24 76. Venue is proper in this jurisdiction as to Defendant KAYTUS pursuant to 28  
25 U.S.C. §§ 1391(b) and (c) because Defendant KAYTUS is a foreign company that may be sued  
26 in any judicial district.

27 77. Under California law, service on subsidiaries including Defendants Aivres,  
28 Betapex, and/or Inspur USA constitutes service on Defendants Inspur Group, IEIT Systems, and

1 KAYTUS, including because the alleged facts establish that there is a sufficiently close  
2 relationship among Defendants Aivres, Betapex, and/or Inspur USA and Defendants Inspur  
3 Group, IEIT Systems, and KAYTUS such that service upon Defendants Aivres, Betapex, and/or  
4 Inspur USA will provide actual notice to Defendants Inspur Group, IEIT Systems, and  
5 KAYTUS. In the alternative, under California law, personal service on the CEO of Defendant  
6 Inspur USA, who is also the Vice President of Defendant Inspur Group, constitutes service on  
7 Defendants Inspur Group and Inspur USA and personal service on the Vice President of Global  
8 Business of KAYTUS, who on information and belief is also the Vice President of Global  
9 Business of IEIT Systems, constitutes service on Defendant KAYTUS and Defendant IEIT  
10 Systems. Cal. Civ. Proc. Code § 416.10(b); <https://www.inspurusainc.com/aboutus>.

11 **INTRADISTRICT ASSIGNMENT**

12 78. Under Civil L. R. 3-2(c), this action for patent infringement shall be assigned on a  
13 district-wide basis.

14 **FIRST CAUSE OF ACTION**

15 **(INFRINGEMENT OF U.S. PATENT NO. 8,218,566)**

16 79. HPE realleges and incorporates by reference allegations stated in Paragraphs 1  
17 through 78 of this Complaint.

18 80. In violation of 35 U.S.C. § 271, the Inspur Defendants have infringed and are  
19 currently infringing one or more claims of the '566 Patent, including but not limited to claims 1  
20 through 18, in this District and throughout the United States, directly and/or indirectly through  
21 third parties, by making using, selling, offering for sale, and/or importing into the United States,  
22 without authority, Accused Products that infringe the '566 Patent. The Inspur Defendants have  
23 infringed and are currently infringing literally and/or under the doctrine of equivalents.

24 81. For example, the Accused Server Products contain each limitation of and infringe  
25 exemplary claim 1 of the '566 Patent, which recites:

26 A system for making serial ports of existing computers available over a network,  
27 comprising:

28 a serial controller for locally controlling at least one serial port of a networked  
computer; and

1 a management processor operatively associated with the networked computer and  
2 operable in both a first mode and a second mode, the management processor  
3 operating in the first mode to disable local control of the at least one serial port by  
4 the serial controller, the management processor taking control of the at least one  
5 serial port for network access in the first mode, and the management processor  
6 operating in the second mode to return control of the at least one serial port to the  
7 serial controller.

8 82. The claimed invention in the '566 Patent improves operation and reliability of  
9 networks through a system for making serial ports of existing computers available over a  
10 network. Serial devices are still in broad use in the networking space and were typically  
11 accommodated by dedicated servers to interface between the device and the network. However,  
12 terminal servers are expensive and consume extra energy, network ports, and space on server  
13 racks. The invention is a system for making serial ports of existing computers available over a  
14 network. Benefits of the invention include improved network management, reduced energy  
15 requirements, fewer network ports, and less space on server racks.

16 83. The Inspur Defendants infringe each limitation of claim 1 of the '566 Patent at  
17 least for the exemplary reasons set forth in the claim chart attached hereto as Exhibit 6,  
18 incorporated herein by reference. Exhibit 6 sets out exemplary evidence showing how the  
19 exemplary Inspur NF5180M5 infringes, and thus on information and belief all Accused Server  
20 Products, includes each limitation of claim 1 of the '566 Patent.

21 84. The Inspur Defendants indirectly infringe the '516 patent under 35 U.S.C. §  
22 271(b) by actively and knowingly inducing others to make, use, sell, offer for sale, or import the  
23 Accused Server Products. These products, as provided by the Inspur Defendants to their  
24 customers and used as intended and instructed, infringe the '566 Patent. The Inspur Defendants  
25 sold and/or offered for sale one or more of the Accused Server Products, and are continuing to  
26 do so, to customers with the specific intent to actively encourage them to use one or more of the  
27 Accused Server Products in the United States in a manner that the Inspur Defendants know to  
28 be infringing.

85. On information and belief, the Inspur Defendants have also contributed to and/or  
are contributing to the infringement of the '566 Patent under 35 U.S.C. § 271(c) by making,  
using, importing, offering for sale, and/or selling one or more of the Accused Server Products.

1 The Inspur Defendants have made and/or sold such products with knowledge that they are  
2 especially designed for use in a patent system and/or apparatus for use in a patented process and  
3 are not staple articles of commerce suitable for substantial non-infringing use. For example,  
4 among other things, on information and belief, the Inspur Defendants actively and knowingly  
5 sell such products and provide customer support, installation and instruction materials, and  
6 other documentation to customers for such products' use as a component of a patented system  
7 and/or apparatus for use in a patented process. On information and belief, the Inspur  
8 Defendants' customers have used and continue to use such products in the United States in this  
9 manner and infringe the '566 Patent.

10 86. ***Willful Infringement.*** The Inspur Defendants have had actual knowledge of the  
11 '566 Patent at least as of February 4, 2022. *See* Ex. 11.

12 87. The Inspur Defendants have had actual knowledge of their infringement of the  
13 '566 Patent by at least the Inspur Defendants' NF5180M5 product since at least February 4,  
14 2022. *See* Ex. 11.

15 88. In view of the Inspur Defendants' knowledge of their infringement of the '566  
16 Patent by at least their NF5180M5 product, the Inspur Defendants' continued infringement from  
17 at least February 4, 2022 has been intentional.

18 89. For example, despite outreach from HPE seeking to inform the Inspur Defendants  
19 of their infringement of HPE's patents and discuss potential remedies, the Inspur Defendants  
20 refused to participate in any discussion with HPE while continuing to infringe by selling the  
21 Accused Server Products. This refusal to receive information related to its infringement  
22 constitutes egregious conduct by the Inspur Defendants and willful blindness to their own  
23 infringement, making this an exceptional case and justifying an award to HPE of increased  
24 damages under 35 U.S.C. § 284.

25 90. As of the filing of this Complaint, the Inspur Defendants are not licensed or  
26 otherwise authorized to practice the claims of the '566 Patent.

27 91. As a direct and proximate result of the Inspur Defendants' willful infringement of  
28 the '566 Patent, HPE has been and continues to be damaged in an amount yet to be determined.

**SECOND CAUSE OF ACTION**

**(INFRINGEMENT OF U.S. PATENT NO. 7,634,671)**

92. HPE realleges and incorporates by reference allegations stated in Paragraphs 1 through 91 of this Complaint.

93. In violation of 35 U.S.C. § 271, the Inspur Defendants have infringed and are currently infringing one or more claims of the '671 Patent, including but not limited to claim 1, in this District and throughout the United States, directly and/or indirectly through third parties, by making using, selling, offering for sale, and/or importing into the United States, without authority, the ISPIM software product. The Inspur Defendants have infringed and are currently infringing literally and/or under the doctrine of equivalents.

94. For example, the ISPIM software product when used as intended and instructed by the Inspur Defendants, practice and infringe exemplary claim 1 of the '671 Patent, which recites:

A method of determining power consumption of a managed information technology (IT) network comprising network devices having a management-addressable address, the method comprising:

running an autodiscovery tool to discover the network devices of the managed IT network;

directing management requests to the management-addressable addresses of the network devices to obtain the electric power consumption values of the network devices;

centrally collecting the electric power consumption values returned by the network devices;

determining whether the collected power consumption value for one of the network devices is beyond a low value or beyond a high value; and

triggering an alarm if the collected power consumption value is beyond the low value or beyond the high value.

95. The claimed invention in the '671 Patent allows for increased network and data center efficiency and stability by discovering and monitoring, in real time, network device power consumption and alerting monitors. The invention improves data center reliability as new network devices are integrated that make use of on-demand computing features which create larger variations in power that need to be tracked. Further, by utilizing real-time, automated,

1 remote monitoring, the invention ensures that changes in what network devices are connected to  
2 the network immediately factor into data center power consumption and management. The  
3 invention also reduces errors in power consumption calculations introduced by device failures.

4 96. The Inspur Defendants infringe each limitation of claim 1 of the '671 Patent at  
5 least for the exemplary reasons set forth in the claim chart attached hereto as Exhibit 7,  
6 incorporated herein by reference. Exhibit 7 sets out exemplary evidence showing how the  
7 accused ISPIM software includes each limitation of claim 1 of the '671 Patent.

8 97. On information and belief, the Inspur Defendants indirectly infringe the '671  
9 Patent under 35 U.S.C. § 271(b) by actively and knowingly inducing others to make, use, sell,  
10 offer for sale, or import the ISPIM software product. This product, as provided by the Inspur  
11 Defendants to their customers and used as intended and instructed, infringe the '671 Patent. The  
12 Inspur Defendants sold and/or offered for sale one or more of the ISPIM software product, and  
13 are continuing to do so, to customers with the specific intent to actively encourage them to use  
14 one or more of the ISPIM software product in the United States in a manner that the Inspur  
15 Defendants know to be infringing.

16 98. On information and belief, the Inspur Defendants have also contributed to and/or  
17 are contributing to the infringement of the '671 Patent under 35 U.S.C. § 271(c) by making,  
18 using, importing, offering for sale, and/or selling one or more of the ISPIM software product.  
19 The Inspur Defendants have made and/or sold such products with knowledge that they are  
20 especially designed for use in a patent system and/or apparatus for use in a patented process and  
21 are not staple articles of commerce suitable for substantial non-infringing use. For example,  
22 among other things, on information and belief, the Inspur Defendants actively and knowingly  
23 sell such products and provide customer support, installation and instruction materials, and  
24 other documentation to customers for such products' use as a component of a patented system  
25 and/or apparatus for use in a patented process. On information and belief, the Inspur  
26 Defendants' customers have used and continue to use such products in the United States in this  
27 manner and infringed the '671 Patent.

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1           99. **Willful Infringement.** The Inspur Defendants have had actual knowledge of the  
2 '671 Patent at least as of February 4, 2022. *See* Ex. 11.

3           100. The Inspur Defendants have had actual knowledge of their infringement of the  
4 '671 Patent by at least the Inspur Defendants' ISPIM software product since at least February 4,  
5 2022. *See* Ex. 11.

6           101. In view of the Inspur Defendants' knowledge of their infringement of the '671  
7 Patent by at least their ISPIM software product, the Inspur Defendants' continued infringement  
8 from at least February 4, 2022 has been intentional.

9           102. For example, despite outreach from HPE seeking to inform the Inspur Defendants  
10 of their infringement of HPE's patents and discuss potential remedies, the Inspur Defendants  
11 refused to participate in any discussion with HPE while continuing to infringe by selling the  
12 ISPIM software product. This refusal to receive information related to its infringement  
13 constitutes egregious conduct by the Inspur Defendants and willful blindness to their own  
14 infringement, making this an exceptional case and justifying an award to HPE of increased  
15 damages under 35 U.S.C. § 284.

16           103. As of the filing of this Complaint, the Inspur Defendants are not licensed or  
17 otherwise authorized to practice the claims of the '671 Patent.

18           104. As a direct and proximate result of the Inspur Defendants' willful infringement of  
19 the '671 Patent, HPE has been and continues to be damaged in an amount yet to be determined.

20                           **THIRD CAUSE OF ACTION**

21                           **(INFRINGEMENT OF U.S. PATENT NO. 9,229,737)**

22           105. HPE realleges and incorporates by reference allegations stated in Paragraphs 1  
23 through 104 of this Complaint.

24           106. In violation of 35 U.S.C. § 271, the Inspur Defendants have infringed and are  
25 currently infringing one or more claims of the '737 Patent, including but not limited to claim 1,  
26 in this District and throughout the United States, directly and/or indirectly through third parties,  
27 by making using, selling, offering for sale, and/or importing into the United States, without  
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1 authority, the Accused Server Products. The Inspur Defendants have infringed and are currently  
2 infringing literally and/or under the doctrine of equivalents.

3 107. For example, the Accused Server Products, when used as intended and instructed  
4 by the Inspur Defendants, practice and infringe -exemplary claim 1 of the '737 Patent, which  
5 recites:

6 A method comprising:

7 establishing a terminal session between a first computer system and a second  
8 computer system, the second computer system distinct from the first computer  
9 system, and the second computer system having a management processor with a  
plurality of communication pathways to a main processor of the second computer

10 configuring the management processor to send data regarding emulation of a first  
11 mass storage device of the first computer system across a first selected pathway of  
the plurality of communication pathways to the main processor, the configuring  
12 by way of the terminal session; and then

13 emulating, by the management processor, the first mass storage device across the  
first selected pathway.

14 108. The claimed invention in the '737 Patent improves the ease of network  
15 administration through a method of emulating devices across selected communications  
16 pathways through a terminal session. Network administration has typically been done through  
17 remote terminal sessions. Some administration duties, such as loading large programs or  
18 operating systems, do not work well due to limited bandwidth between the device that  
19 implements the terminal session and other components of the server computer system. The  
20 invention helps solve those issues by utilizing device emulation during terminal sessions.

21 109. The Inspur Defendants infringe each limitation of claim 1 of the '737 Patent at  
22 least for the exemplary reasons set forth in the claim chart attached hereto as Exhibit 8,  
23 incorporated herein by reference. Exhibit 8 sets out exemplary evidence showing how the  
24 exemplary Inspur NF5280M5 infringes, and thus on information and belief all Accused Server  
25 Products, includes each limitation of claim 1 of the '737 Patent.

26 110. On information and belief, The Inspur Defendants indirectly infringe the '737  
27 Patent under 35 U.S.C. § 271(b) by actively and knowingly inducing others to make, use, sell,  
28 offer for sale, or import the Accused Server Products. These products, as provided by the Inspur

1 Defendants to their customers and used as intended and instructed, infringe the '737 Patent. The  
2 Inspur Defendants sold and/or offered for sale one or more of the Accused Server Products, and  
3 are continuing to do so, to customers with the specific intent to actively encourage them to use  
4 one or more of the Accused Server Products in the United States in a manner that the Inspur  
5 Defendants know to be infringing.

6 111. On information and belief, the Inspur Defendants have also contributed to and/or  
7 are contributing to the infringement of the '737 Patent under 35 U.S.C. § 271(c) by making,  
8 using, importing, offering for sale, and/or selling one or more of the Accused Server Products.  
9 The Inspur Defendants have made and/or sold such products with knowledge that they are  
10 especially designed for use in a patent system and/or apparatus for use in a patented process and  
11 are not staple articles of commerce suitable for substantial non-infringing use. For example,  
12 among other things, on information and belief, The Inspur Defendants actively and knowingly  
13 sell such products and provide customer support, installation and instruction materials, and  
14 other documentation to customers for such products' use as a component of a patented system  
15 and/or apparatus for use in a patented process. On information and belief, the Inspur  
16 Defendants' customers have used and continue to use such products in the United States in this  
17 manner and infringed the '737 Patent.

18 112. ***Willful Infringement.*** The Inspur Defendants have had actual knowledge of the  
19 '737 Patent at least as of February 4, 2022. *See* Ex. 11.

20 113. The Inspur Defendants have had actual knowledge of their infringement of the  
21 '737 Patent by at least the Inspur Defendants' NF5180M5 product since at least February 4,  
22 2022. *See* Ex. 11.

23 114. In view of the Inspur Defendants' knowledge of their infringement of the '737  
24 Patent by at least their NF5180M5 product, the Inspur Defendants' continued infringement from  
25 at least February 4, 2022 has been intentional.

26 115. For example, despite outreach from HPE seeking to inform the Inspur Defendants  
27 of their infringement of HPE's patents and discuss potential remedies, the Inspur Defendants  
28 refused to participate in any discussion with HPE while continuing to infringe by selling the

1 Accused Server Products. This refusal to receive information related to its infringement  
2 constitutes egregious conduct by the Inspur Defendants and willful blindness to their own  
3 infringement, making this an exceptional case and justifying an award to HPE of increased  
4 damages under 35 U.S.C. § 284.

5 116. As of the filing of this Complaint, the Inspur Defendants are not licensed or  
6 otherwise authorized to practice the claims of the '737 Patent.

7 117. As a direct and proximate result of the Inspur Defendants' willful infringement of  
8 the '737 Patent, HPE has been and continues to be damaged in an amount yet to be determined.

9 **FOURTH CAUSE OF ACTION**

10 **(INFRINGEMENT OF U.S. PATENT NO. 8,335,891)**

11 118. HPE realleges and incorporates by reference allegations stated in Paragraphs 1  
12 through 117 of this Complaint.

13 119. In violation of 35 U.S.C. § 271, the Inspur Defendants have infringed and are  
14 currently infringing one or more claims of the '891 Patent, including but not limited to claim 1,  
15 in this District and throughout the United States, directly and/or indirectly through third parties,  
16 by making using, selling, offering for sale, and/or importing into the United States, without  
17 authority, Accused Products that infringe the '891 Patent. The Inspur Defendants have infringed  
18 and are currently infringing literally and/or under the doctrine of equivalents.

19 120. For example, Accused Server Products contain each limitation of and infringe  
20 exemplary claim 1 of the '891 Patent, which recites:

21 A computer system, comprising:

22 an array controller configured to run an array configuration utility, the array  
23 configuration utility being configured to generate information corresponding to a  
24 menu of user options, receive user instructions corresponding to a user selection  
of a user option, and process a configuration task in response to the user selection;  
and

25 a processor configured to receive the information from the array controller and  
26 send the user instructions to the array controller.

27 121. The claimed invention in the '891 Patent is an improvement to systems for  
28 configuring storage arrays. Typical computer systems are limited in the amount of RAM that

1 can be utilized by configuration utilities. Further, more sophisticated configuration utilities with  
2 access to more RAM by operating in “protected mode” have issues with consistency across  
3 computing platforms. The invention is a system which overcomes the limitations of both  
4 systems by utilizing array controllers (and its associated more abundant RAM) to run  
5 configuration utilities.

6 122. The Inspur Defendants infringe each limitation of claim 1 of the '891 Patent at  
7 least for the exemplary reasons set forth in the claim chart attached hereto as Exhibit 9,  
8 incorporated herein by reference. Exhibit 9 sets out exemplary evidence showing how the  
9 exemplary Inspur NF5280M5, and thus on information and belief all Accused Server Products,  
10 includes each limitation of claim 1 of the '891 Patent.

11 123. On information and belief, the Inspur Defendants indirectly infringe the '891  
12 Patent under 35 U.S.C. § 271(b) by actively and knowingly inducing others to make, use, sell,  
13 offer for sale, or import the Accused Server Products. These products, as provided by The  
14 Inspur Defendants to their customers and used as intended and instructed, infringe the '891  
15 Patent. The Inspur Defendants sold and/or offered for sale one or more of the Accused Server  
16 Products, and are continuing to do so, to customers with the specific intent to actively encourage  
17 them to use one or more of the Accused Server Products in the United States in a manner that  
18 the Inspur Defendants know to be infringing.

19 124. On information and belief, the Inspur Defendants have also contributed to and/or  
20 are contributing to the infringement of the '891 Patent under 35 U.S.C. § 271(c) by making,  
21 using, importing, offering for sale, and/or selling one or more of the Accused Server Products.  
22 The Inspur Defendants have made and/or sold such products with knowledge that they are  
23 especially designed for use in a patent system and/or apparatus for use in a patented process and  
24 are not staple articles of commerce suitable for substantial non-infringing use. For example,  
25 among other things, on information and belief, the Inspur Defendants actively and knowingly  
26 sell such products and provide customer support, installation and instruction materials, and  
27 other documentation to customers for such products' use as a component of a patented system  
28 and/or apparatus for use in a patented process. On information and belief, the Inspur

1 Defendants' customers have used and continue to use such products in the United States in this  
2 manner and infringed the '891 Patent.

3 125. **Willful Infringement.** The Inspur Defendants have had actual knowledge of the  
4 '891 Patent at least as of February 4, 2022. *See* Ex. 11.

5 126. The Inspur Defendants have had actual knowledge of their infringement of the  
6 '891 Patent by at least the Inspur Defendants' NF5280M5 product since at least February 4,  
7 2022. *See* Ex. 11.

8 127. In view of the Inspur Defendants' knowledge of their infringement of the '891  
9 Patent by at least their NF5280M5 product, the Inspur Defendants' continued infringement from  
10 at least February 4, 2022 has been intentional.

11 128. For example, despite outreach from HPE seeking to inform the Inspur Defendants  
12 of their infringement of HPE's patents and discuss potential remedies, the Inspur Defendants  
13 refused to participate in any discussion with HPE while continuing to infringe by selling the  
14 Accused Server Products. This refusal to receive information related to its infringement  
15 constitutes egregious conduct by the Inspur Defendants and willful blindness to their own  
16 infringement, making this an exceptional case and justifying an award to HPE of increased  
17 damages under 35 U.S.C. § 284.

18 129. As of the filing of this Complaint, the Inspur Defendants are not licensed or  
19 otherwise authorized to practice the claims of the '891 Patent.

20 130. As a direct and proximate result of the Inspur Defendants' willful infringement of  
21 the '891 Patent, HPE has been and continues to be damaged in an amount yet to be determined.

22 **FIFTH CAUSE OF ACTION**

23 **(INFRINGEMENT OF U.S. PATENT NO. 8,108,508)**

24 131. HPE realleges and incorporates by reference allegations stated in Paragraphs 1  
25 through 130 of this Complaint.

26 132. In violation of 35 U.S.C. § 271, the Inspur Defendants have infringed one or more  
27 claims of the '508 Patent, including but not limited to claim 1, in this District and throughout  
28 the United States, directly and/or indirectly through third parties, by making using, selling,

1 offering for sale, and/or importing into the United States, without authority, the Accused Server  
2 Products. The Inspur Defendants have infringed literally and/or under the doctrine of  
3 equivalents.

4 133. For example, the Accused Server Products contain each limitation of and infringe  
5 exemplary claim 1 of the '508 Patent, which recites:

6 A chip for incorporation within a network device connectable to a computer network, the  
7 network device including a host processor, the chip comprising:

8 a media access controller connectable to the computer network, the media access  
9 controller providing the chip with access to the computer network independent of  
10 the host processor;

11 a host interface connectable to the host processor; and

12 an embedded processor coupled between the host interface and the media access  
13 controller;

14 the embedded processor being programmable to function as a manageability web  
15 server, communicate with the host interface and obtain manageability information  
16 about the network device;

17 the embedded processor further being programmable to send the manageability  
18 information to the media access controller for transmission over the computer  
19 network;

20 whereby the chip performs network management functions independent of the  
21 host processor.

22 134. The claimed invention in the '508 Patent improves operation and reliability of  
23 networks through improved web server chips for network devices. Typical network  
24 management systems would remotely access and use agents at managed resources to perform  
25 tasks which burdens the host processor's resources. Further, if a managed resource crashes, the  
26 agent could not be run to diagnose the issue and report back to the network manager because the  
27 agent utilizes the managed resource which is inoperable. The invention is a web server chip for  
28 a network device which can perform network management functions. Benefits of the invention  
include reduced network down time, improved response time to network problems, reduced  
network bottlenecks, and reduced operating costs.

135. The Inspur Defendants' Accused Server Products infringed each limitation of  
claim 1 of the '508 Patent at least for the exemplary reasons set forth in the claim chart attached

1 hereto as Exhibit 10, incorporated herein by reference. Exhibit 10 sets out exemplary evidence  
2 showing how the exemplary Inspur NF5280M5 infringes, and thus on information and belief all  
3 Accused Server Products, includes each limitation of claim 1 of the '508 Patent.

4 136. On information and belief, the Inspur Defendants indirectly infringed the '508  
5 Patent under 35 U.S.C. §271(b) by actively and knowingly inducing others to make, use, sell,  
6 offer for sale, or import the Accused Server Products. These products, as provided by the Inspur  
7 Defendants to their customers and used as intended and instructed, infringed the '508 Patent.  
8 The Inspur Defendants sold and/or offered for sale one or more of the Accused Server Products  
9 to customers with the specific intent to actively encourage them to use one or more of the  
10 Accused Server Products in the United States in a manner that the Inspur Defendants know to  
11 be infringing.

12 137. On information and belief, the Inspur Defendants have also contributed to the  
13 infringement of the '508 Patent under 35 U.S.C. § 271(c) by making, using, importing, offering  
14 for sale, and/or selling one or more of the Accused Server Products. The Inspur Defendants  
15 have made and/or sold such products with knowledge that they are especially designed for use  
16 in a patent system and/or apparatus for use in a patented process and are not staple articles of  
17 commerce suitable for substantial non-infringing use. For example, among other things, on  
18 information and belief, the Inspur Defendants actively and knowingly sold such products and  
19 provided customer support, installation and instruction materials, and other documentation to  
20 customers for such products' use as a component of a patented system and/or apparatus for use  
21 in a patented process. On information and belief, the Inspur Defendants' customers have used  
22 and continue to use such products in the United States in this manner and infringed the '508  
23 Patent.

24 138. ***Willful Infringement.*** The Inspur Defendants have had actual knowledge of the  
25 '508 Patent at least as of February 4, 2022. *See* Ex. 11.

26 139. The Inspur Defendants have had actual knowledge of their infringement of the  
27 '508 Patent by at least the Inspur Defendants' NF5180M5 product since at least February 4,  
28 2022. *See* Ex. 11.



1 140. In view of the Inspur Defendants' knowledge of their infringement of the '508  
2 Patent by at least their NF5180M5 product, the Inspur Defendants' continued infringement from  
3 at least February 4, 2022 was intentional.

4 141. For example, despite outreach from HPE seeking to inform the Inspur Defendants  
5 of their infringement of HPE's patents and discuss potential remedies, the Inspur Defendants  
6 refused to participate in any discussion with HPE while continuing to infringe by selling the  
7 Accused Server Products. This refusal to receive information related to its infringement  
8 constitutes egregious conduct by the Inspur Defendants and willful blindness to their own  
9 infringement, making this an exceptional case and justifying an award to HPE of increased  
10 damages under 35 U.S.C. § 284.

11 142. As of the filing of this Complaint, the Inspur Defendants are not licensed or  
12 otherwise authorized to practice the claims of the '508 Patent.

13 143. As a direct and proximate result of the Inspur Defendants' willful infringement of  
14 the '508 Patent, HPE has been damaged in an amount yet to be determined.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, HPE prays that this Court enter judgment as follows:

17 144. Adjudicating and declaring the Inspur Defendants have infringed and are  
18 infringing the HPE Asserted Patents;

19 145. Adjudicating and declaring that the Inspur Defendants have induced and are  
20 inducing infringement of the HPE Asserted Patents;

21 146. Adjudicating and declaring that the Inspur Defendants have contributed to and are  
22 contributing to infringement of the HPE Asserted Patents;

23 147. Adjudicating and declaring that the infringement by the Inspur Defendants has  
24 been and is willful;

25 148. Adjudicating and declaring that the HPE Asserted Patents are valid and  
26 enforceable;

27 149. Permanently enjoining the Inspur Defendants, their officers, agents, servants,  
28 employees, attorneys and all persons in active concert or participation with the Inspur

1 Defendants from further infringement of the '566, '671, '737, and '891 Patents or, to the extent  
2 not so enjoined, ordering the Inspur Defendants to pay compulsory ongoing royalties for any  
3 continuing infringement of the '566, '671, '737, and '891 Patents;

4 150. Ordering that the Inspur Defendants must account, and pay actual damages (but  
5 no less than a reasonable royalty), to HPE for the Inspur Defendants' infringement of the HPE  
6 Asserted Patents, including ordering that the Inspur Defendants must pay HPE the total profits  
7 realized by the Inspur Defendants from their infringement of the Asserted Patents pursuant to 35  
8 U.S.C. § 289;

9 151. Ordering that the Inspur Defendants pay HPE's costs, expenses, and interest,  
10 including prejudgment interest, as provided for by 35 U.S.C. § 284;

11 152. Declaring that this is an exceptional case and awarding HPE its attorneys' fees  
12 and expenses as provided for by 35 U.S.C. § 285; and

13 153. Granting HPE such other and further relief as the Court deems just and  
14 appropriate, or that HPE may be entitled to as a matter of law or equity.

15  
16 Dated: April 15, 2024

DLA PIPER LLP (US)

17  
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