

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NARADA SYSTEMS, LLC)
a Texas Limited Liability Company)
)
Plaintiff,)
)
v.)
)
VIOLIN MEMORY, INC.,)
a California Corporation)
)
Defendant.)

Civil Action No. _____

TRIAL BY JURY DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, NARADA SYSTEMS, LLC, by its attorneys, hereby complains against Defendant, VIOLIN MEMORY, INC. as follows:

I. The Parties

1. Plaintiff, NARADA SYSTEMS, LLC (“NARADA”) is a Texas Limited Liability Company with its principal place of business located in the city of Allen, Texas.

2. Defendant, VIOLIN MEMORY, INC. (“VIOLIN”) is, on information and belief, a company established under the laws of the State of Delaware, with its principal place of business at 658 Clyde Avenue, Mountain View, California, 94043.

II. Jurisdiction and Venue

3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. §1, et seq.

4. Venue properly lies in the Eastern District of Texas pursuant to 28 U.S.C. §1391(b) and (c) because a substantial part of the events giving rise to these claims occurred in this District, and a number of key witnesses reside in, or close to this, this District.

III. Claims For Patent Infringement

Count 1 – U.S. Pat. No. 6,504,786

5. NARADA realleges and incorporates by reference the allegations set forth in Paragraphs 1-4 above as if fully set forth herein.

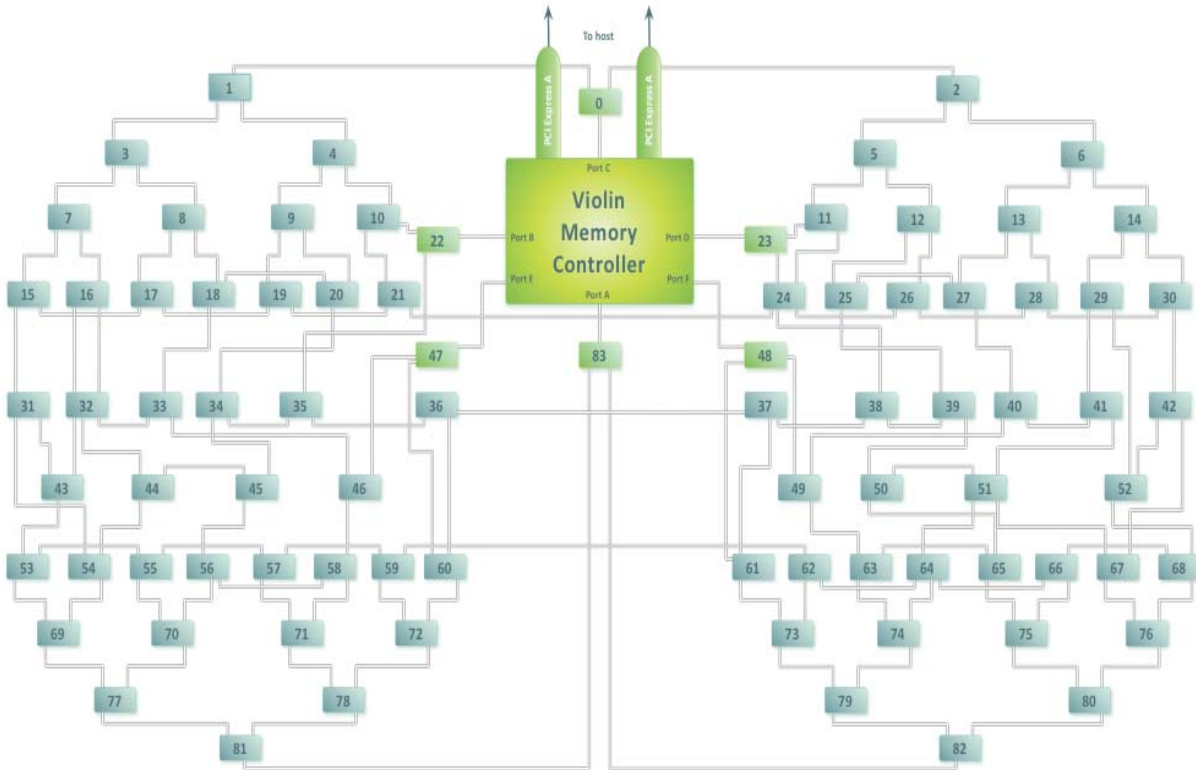
6. United States Patent Number 6,504,786 (“the ‘786 Patent”) is entitled “High Speed, Scalable, Dynamic Integrated Programmable Switch (DIPS) Device” and was duly and legally issued to Gautam N. Kavipurapu on January 7, 2003. All right, title and interest in the ‘786 Patent has been assigned to NARADA. A true and correct copy of the ‘786 Patent as issued is attached hereto as Exhibit A.

7. NARADA was formed in 2009 for the purpose of commercializing the technology protected by the ‘786 Patent, and is currently based in the Eastern District of Texas. NARADA is managed by Richard Burnes, who is also a long time resident of Allen Texas.

8. The ‘786 Patent is the result of pioneering research and development conducted in the field of switching and routing data. This research and development was performed in Texas, and the patent application was prepared and prosecuted by attorney James Murphy of Thompson & Knight, LLP, who maintains an office in Dallas, Texas.

9. On information and belief, VIOLIN has incorporated the invention disclosed by the ‘786 Patent into its products, including all products that incorporate so-called “Violin Switched Memory,” such as, for example, the Violin 3220 Flash Memory Array (“Infringing Products”).

10. In particular, on information and belief, Violin Switched Memory effectively comprises a switching fabric having a routing topology as pictured below:



The switching fabric incorporates a memory controller, as well as a number of switching elements, at least some of which incorporate memory elements. Through the use of the memory controller and the switching elements, Violin Switched Memory provides programmable delay routes from switching element to switching element.

11. On information and belief, within the, for example, Violin 3220 Flash Memory Array, the switching fabric is implemented in a field programmable gate array (marked “Violin Memory”), as depicted in the following image:



12. On information and belief, VIOLIN has infringed and continues to infringe the '786 Patent despite having actual knowledge regarding: (i) the existence of the '786 Patent, (ii) VIOLIN's infringement thereof, and (iii) the enforceability of the '786 Patent. The infringing acts include, but are not necessarily limited to, making, offering for sale, selling and distributing the Infringing Product(s) identified in Paragraphs 9-11, above.

13. On information and belief, VIOLIN generates substantial revenue from sales of infringing products. In particular, Don Basile, the CEO of VIOLIN, has stated that revenue from sales of VIOLIN's products and services will surpass \$100 Million in 2011 (*see* <http://www.bizjournals.com/sanjose/print-edition/2011/06/24/violin-memory-eyes-IPO.html?page=all>), a substantial portion of which is suspected to be from infringing product(s).

14. VIOLIN's acts of infringement have caused damage to NARADA. Under 35 U.S.C. § 284, NARADA is entitled to recover from VIOLIN the damages sustained by NARADA as a result of its infringement of the '786 Patent. VIOLIN's infringement of NARADA's exclusive rights under the '786 Patent will continue to damage NARADA causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

Count 2 – U.S. Pat. No. 7,236,488

15. NARADA incorporates by reference and realleges paragraphs 1-14, as if fully set forth herein.

16. United States Patent Number 7,236,488 (“the ‘488 Patent”) is entitled “Intelligent Routing Switching System” and was duly and legally issued to Gautam N. Kavipurapu on January 7, 2003. All right, title and interest in the ‘488 Patent has been assigned to NARADA. A true and correct copy of the ‘488 Patent as issued is attached hereto as Exhibit B.

17. The ‘488 Patent is the result of pioneering research and development conducted in the field of switching and routing of data. This research and development was performed in Texas, and the patent application was prepared and prosecuted by attorney James Murphy of Thompson & Knight, LLP, who maintains an office in Dallas, Texas.

18. On information and belief, VIOLIN has incorporated the invention disclosed by the ‘488 Patent into its product lines, including all products that incorporate so-called “Violin Switched Memory,” such as, for example, in its Violin 3220 Flash Memory Array.

19. On information and belief, VIOLIN has infringed and continues to infringe the ‘488 Patent despite having actual knowledge regarding: (i) the existence of the ‘488 Patent, (ii) VIOLIN’s infringement thereof, and (iii) the enforceability of the ‘488 Patent.

20. VIOLIN’s acts of infringement have caused damage to NARADA. Under 35 U.S.C. § 284, NARADA is entitled to recover from VIOLIN the damages sustained by NARADA as a result of its infringement of the ‘488 Patent. VIOLIN’s infringement of NARADA’s exclusive rights under the ‘488 Patent will continue to damage NARADA causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

IV. Relief

WHEREFORE, the Plaintiff, NARADA SYSTEMS, LLC, respectfully requests that this Court enter judgment against Defendant VIOLIN MEMORY, INC. as follows:

- a. The '786 Patent and the '488 Patent are good and valid in law;
- b. VIOLIN has and continues to infringe the '786 Patent and the '488 Patent and the infringement has been willful and deliberate;
- c. VIOLIN and its respective directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with VIOLIN be preliminary and permanently enjoined under 35 U.S.C. § 283 against any further acts of infringement;
- d. For a judgment that this cause is "exceptional" in the sense of 35 U.S.C. § 285 and that NARADA is entitled to an award of its reasonable attorneys' fees in the prosecution of its action;
- e. For an award of damages adequate to compensate NARADA for the past infringement of the '786 Patent and the '488 Patent by VIOLIN, together with interest and costs as fixed by the Court, such damages to be trebled because of the willful and deliberate character of the infringement; and
- f. For such other relief as the Court deems proper and just.

V. Demand For Jury Trial

Pursuant to Federal Rules of Civil Procedure Rule 38, Plaintiff NARADA hereby demands a jury trial on all issues triable by jury.

Dated: January 5, 2012

Respectfully submitted,

/s/ Elizabeth L. DeRieux

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