

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

OPTIMUM POWER SOLUTIONS LLC, a
Texas Limited Liability Company,

Plaintiff,

v.

DELL INC., a Delaware corporation,

Defendant.

Civil Action No. 6:11-cv-505

COMPLAINT

Plaintiff Optimum Power Solutions, LLC (“Optimum Power”) files this its Complaint against Dell Inc., showing this Honorable Court as follows.

NATURE OF THE ACTION

1.

This is an action for patent infringement, arising out of Defendant’s infringement of a U.S. patent relating to the art of power management for computers. Specifically, this Complaint asserts claims against Defendant arising from its infringement of various claims in U.S. Pat. No. 5,781,784, issued on July 14, 1998, and entitled “DYNAMIC POWER MANAGEMENT OF SOLID-STATE MEMORIES” (the “784 Patent”). [A true and correct copy of the ‘784 Patent is attached hereto as Exhibit A.]

THE PARTIES

2.

Plaintiff is a limited liability company, organized and existing under the laws of Texas with its principal place of business in this District.

3.

Upon information and belief, Defendant Dell Inc. (“Dell”) is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, Dell’s principal place of business is located in Round Rock, Texas. Dell may be served through its registered agent for service of process, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

JURISDICTION AND VENUE

4.

This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and/or 1338.

5.

This Court has personal jurisdiction over the Defendant. Defendant has conducted and does conduct business within the State of Texas, including within this District. Defendant offers for sale, sells, and advertises its products and services within the State of Texas, including within this District. Defendant has committed the tort of patent infringement within the State of Texas, including within this District.

6.

Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and/or 1400.

OPERATIVE FACTS

THE PATENT-IN-SUIT

7.

Optimum Power is the owner by assignment of all right, title, and interest in the ‘784 Patent.

8.

The '784 Patent describes a novel method that dynamically manages power supplied to solid-state memory. Among other things, the '784 Patent discloses a power management device and related logic control circuitry that supplies variable voltage to solid-state memory devices. The device provides sufficient power to maintain memory information during periods of no activity or standby periods, and an increased level of power during periods of data access activity or memory access periods, thereby reducing substantially the power consumption of solid-state memory devices.

9.

Claim 1 of the '784 Patent provides:

1. A dynamic power management device for supplying power to a solid-state memory integrated circuit, said device comprising:
power control means for supplying variable voltage to said memory integrated circuit; and logic control means for generating address and control signals for said memory integrated circuit and for controlling said power control means wherein the power control means supply power to said memory integrated circuit, said power being supplied to the memory integrated circuit at a first variable voltage level during periods of no data activity and at a second variable voltage level during periods of data access activity, the variable voltage supplied at said first variable voltage level being less than the variable voltage being supplied at said second variable voltage level, wherein the power supplied at the first level is sufficient to preserve information stored in the integrated memory circuit and the power supplied at the second level is sufficient to read and write information in the integrated memory circuit. '784 Patent, Col. 7, ll. 2-22.

THE INFRINGING PRODUCTS

10.

Defendant Dell, within the United States, manufactures, uses, offers for sale, or sells computers, including, but not limited to, the Dell Studio1555 Notebook with an Intel Centrino 2 Duo CPU (P8600) 2.4GHz with a 3MB L2 cache, (collectively, the “Dell Computers”) that, among other things, utilize a dynamic power management device that supplies variable voltage to solid-state memory devices, such that sufficient power is provided to maintain memory information during standby periods and an increased level of power is supplied during memory access periods, thereby reducing substantially the power consumption of the solid-state memory devices.

11.

The Dell Computers contain each limitation set forth in at least claim 1 of the ‘784 Patent.

12.

Defendant Dell does not have a license or other authorization to practice the claims set forth in the ‘784 Patent

COUNT ONE

DELL’S INFRINGEMENT OF THE ‘784 PATENT

13.

Optimum Power incorporates by reference as if fully set forth herein the averments contained within Paragraphs 1-12, above.

14.

By reason of some or all of the foregoing, Defendant Dell has infringed at least one claim of the ‘784 Patent.

15.

Optimum Power has suffered damages as the direct and proximate result of Defendant Dell's infringement of the '784 Patent.

WHEREFORE, Optimum Power prays that this Court:

- (1) Enter judgment in favor of Optimum Power and against Defendant Dell for infringement of the '784 Patent;
- (2) Award damages to Optimum Power in an amount to be proven at trial for infringement of the '784 Patent, pursuant to 35 U.S.C. § 284, including pre-judgment and post-judgment interest;
- (3) This case be tried before a jury; and
- (4) Grant Optimum Power have such other and further relief as the Court deems just and proper, premises considered.

This 21st day of September, 2011.

Respectfully submitted,

By: /s/ Bryan Harrison (w/permission Wesley Hill)

Bryan G. Harrison – LEAD ATTORNEY
State Bar No. 09112600
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Telephone: (404) 233-7000
Fax: (404) 365-9532
Email: bgh@mmmlaw.com

T. Johnny Ward
State Bar No. 0079818
E-mail: jw@wsfirm.com
Wesley Hill
State Bar No. 24032294
WARD & SMITH LAW FIRM
E-mail: wh@wsfirm.com
P.O. Box 1231
Longview, Texas 75606-1231
Telephone: (903) 754-6400
Fax: (903) 757-2323

**Attorneys for Plaintiff Optimum Power
Solutions LLC**