

MOUNT, SPELMAN & FINGERMAN, P.C.  
RIVERPARK TOWER, SUITE 1650  
333 WEST SAN CARLOS STREET  
SAN JOSE, CALIFORNIA 95110-2740  
TELEPHONE (408) 279-7000

1 Kathryn G. Spelman, Esq. (Cal. Bar No. 154512)  
Kevin M. Pasquinelli, Esq. (Cal. Bar No. 246985)  
2 Jing H. Cherng (Cal. Bar No. 265017)  
3 Mount, Spelman & Fingerman, P.C.  
RiverPark Tower, Suite 1650  
4 333 West San Carlos Street  
San Jose CA 95110-2740  
5 Phone: (408) 279-7000  
Fax: (408) 998-1473  
6 Email: kspelman@mount.com, kpasquinelli@mount.com,  
gcherng@mount.com  
7

8 Counsel for Plaintiff Cyber Switching

9 United States District Court  
Northern District of California

10  
11 Cyber Switching Patents, LLC d/b/a Cyber  
Switching

Case No. tbd

12 Plaintiff,

**Complaint for Patent Infringement**

13 vs.

14 Raritan Computer, Inc, Raritan, Inc.

**Jury Trial Demanded**

15 Defendants  
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1 **COMPLAINT**

2 Plaintiff Cyber Switching Patents, LLC d/b/a Cyber Switching (“Cyber Switching”) files its  
3 Complaint against Defendant showing this Court as follows:

4 **Nature of the Action**

5 1. This is an action for patent infringement, arising out of Defendant’s infringement of U.S. Pat. No.  
6 7,550,870 issued on June 23<sup>rd</sup>, 2009, and entitled *Method and Apparatus for Remote Power*  
7 *Management and Monitoring* (the “’870 Patent”), U.S. Pat. No. 7,630,186 issued on December  
8 8<sup>th</sup>, 2009, and entitled *Current Protection Apparatus and Method* (the “’186 Patent”), and U.S.  
9 Pat. No. 7,672,104 entitled *Current Protection Apparatus and Method* (the “’104” Patent”).  
10 Copies of the ‘870 Patent, ‘186 Patent, and ‘104 Patent are attached hereto as Exhibits A, B, and  
11 C respectively. Collectively the ‘870 Patent, ‘186 Patent, and ‘104 Patent are referred to as the  
12 “Patents in suit”.

13 **The Parties**

14 2. Plaintiff is a Limited Liability Company, organized and existing under the laws of the State of  
15 California, with its principal place of business in San Jose, California.  
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17 3. Upon information and belief, Defendant Raritan Computer, Inc. d/b/a Raritan Americas, Inc, is a  
18 New Jersey corporation organized and existing under the laws of the State of New Jersey. Raritan  
19 America’s registered agent for service of process in New Jersey is Esther A. Hsu, 30 Quail Run,  
20 Warren, New Jersey, 07059. Upon information and belief Raritan Americas, Inc. does business in  
21 the State of California by, among other things, offering for sale and selling the Raritan Products,  
22 as defined below, within the State of California, and within this district. Raritan, Inc. is a  
23 Delaware corporation organized and existing under the laws of the State of Delaware. Raritan  
24 Inc.’s registered agent for service of process in Delaware is Corporation Service Company, 2711  
25 Centerville Rd. Ste. 400, Wilmington, DE 19808. Collectively Raritan Americas, Inc. and  
26 Raritan, Inc. will be referred to as “Raritan”.  
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1 **Jurisdiction and Venue**

- 2 4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331,  
3 (federal question), and 1338 (patents).
- 4 5. This Court has personal jurisdiction over the Defendants by virtue of these companies’  
5 developing, offering for sale and selling their respective “Products”, defined below, within the  
6 State of California and, upon information and belief, by these companies deriving significant  
7 revenue from such sales.
- 8 6. Venue is proper in this Court pursuant to 28 U.S.C. §1400 (Patents).

9 **Intradistrict Assignment**

- 10 7. This case is appropriate for district-wide assignment under Civil Local Rule 3-2(c). Assignment  
11 to the San Jose Division is appropriate because a substantial part of the events that give rise to the  
12 claims asserted in this complaint occurred in Santa Clara County.

13 **Operative Facts**

14 **Charles H. Reynolds and Cyber Switching: First to Offer Intelligent Power Distribution  
15 Units to Data Centers**

- 16 8. Charles H. Reynolds, the founder and owner of Cyber Switching---and inventor of the Patents in  
17 Suit--began pioneering power distribution technologies into data centers<sup>1</sup> as early as 1994. Over  
18 time he intimately understood the evolving trends of data center operations. Data centers rose to  
19 prominence during the dot com boom of the 1990’s. Companies needed fast network connectivity  
20 and nonstop operation to deploy systems and establish an Internet presence. New technologies  
21 and practices were designed to handle the operational requirements of such large-scale operations.
- 22 9. Data center computing racks are fed power through power distribution units (“PDU”). PDU’s are

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26 <sup>1</sup> A data center is a facility used to house computer systems and associated components, such as  
27 telecommunications equipment, storage systems, routers, and switches. It generally includes  
28 redundant or backup power supplies, redundant data communications connections, environmental  
controls (e.g., air conditioning, fire suppression) and various security devices. Large data centers are  
industrial scale operations using as much electricity as a small town.

1 similar to, but much more sophisticated than, the retail “power strip” that one commonly uses at  
2 their desk. The most basic PDU provides standard electrical power to computing devices, but has  
3 no monitoring or remote access capabilities. For large data centers this basic functionality is  
4 insufficient, as they are inefficient, unable to monitor power, and have no ability to report or  
5 resolve power problems, if discovered.  
6

7 10. As data centers grew in size, so did their energy costs and overhead cost of administration. Based  
8 on these fundamental ideas of increasing data center energy efficiency and lower costs of  
9 management through remote administration, Cybererswitching was formed. About this time Mr.  
10 Reynolds developed and sold the first Intelligent PDU (“iPDU”) to address these issues. Cyber  
11 Switching iPDU’s were marked with the patents and pending patent application numbers.

12 11. Smart PDUs, also known as intelligent PDUs (“iPDUs”), address these deficiencies. For example,  
13 intelligent PDUs (1) identify high power consuming equipment, (2) issue alarms when power  
14 overloading occurs or may occur, (3) identify erratic power consumption, and (4) monitor power  
15 usage against existing capacity. Cyber Switching began selling these multiple lines of iPDU  
16 related products including the ePower family, Dualcom PLUS intelligent Power Management  
17 systems, CS Series, E Series, Galaxy Series, Enterprise Management Console Software, PM8  
18 Series, EFX Series Power Management Module, M series, and the PS Series.  
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20 12. iPDU’s are able to add this additional value over standard PDUs by adding a number of features.  
21 iPDU’s typically include a built in display for local reporting, as well as web connectivity for  
22 remote status reporting. iPDU’s also include remote monitoring and management of individual  
23 power outlets, and devices, via standard network connectivity. Many iPDU’s also include the  
24 ability to trigger alerts using standard email protocols or via Simple Network Management  
25 Protocol Management Information Bases (“SNMP MIBs”). Many iPDU’s also allow for active  
26 control of electronics, for example, rebooting a computing server remotely. The iPDU is an  
27 essential element which gives Information Technology (“IT”) Administrators the ability to adjust  
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and monitor power demands from offsite locations. Below, are pictures of Cyber Switching products.



13. As the data center power distribution market matured, large power companies, and smaller competitors, entered the market, directly competing with Cyber Switching, and practicing its patented inventions.

**The Patents in Suit**

- 14. Cyber Switching is the owner by assignment of all rights, title, and interest in the Patents-in-Suit.
- 15. The '870 Patent describes a novel invention relating to a method and apparatus for intelligent power supply devices and/or methods that can be used for power supply control and/or monitoring in various information and/or network appliances.
- 16. The '186 Patent and the '104 Patent generally describe inventions relating generally to a current protection apparatus and more particularly to a current protection apparatus including a

1 programmable characteristic and current protection method.

2 **Causes of Action**

3 **Raritan**

4 17. Cyber Switching incorporates by reference as if fully set forth herein the allegations contained  
5 above.

6 18. Defendant Raritan, within the United States, manufactures, uses, offers for sale, or sells iPDU's,  
7 as defined by the Patents in Suit *supra*, including but not limited to the Raritan PX family of  
8 "intelligent rack power distribution units (iPDUs)" [PX-5000, PX-4000, PX-3000, PX-2000, PX-  
9 1000 series] alone, and in combination with other associated software such as, but not limited to,  
10 the Power IQ® and dcTrack® (DCIM software) and in combination with other commercially  
11 available software such as, but not limited to, web browsers, email systems and SNMP/MIBs. A  
12 more detailed list of Raritan accused products is attached as Exhibit D.

13 **Count One –**

14 **Raritan Infringement of the '870 Patent**

15 19. Cyber Switching incorporates by reference as if fully set forth herein the allegations contained  
16 above.

17 20. By reason of some or all of the foregoing, Defendant Raritan has directly infringed all claims of  
18 the '870 Patent. Defendant Raritan's direct infringement has been willful since at least the first  
19 shipment of the Cyber Switching products.

20 21. By reason of some or all of the foregoing, Defendant Raritan has indirectly infringed all claims of  
21 the '870 Patent by inducing infringement and contributing to infringement. Defendant had  
22 knowledge of the '870 Patent since at least the first shipment of Cyber Switching products and  
23 intended to induce infringement of the Patent in others. One or more of Defendant's Products are  
24 nonstaple items and have no substantial non-infringing uses. Defendant Raritan's indirect  
25 infringement has been willful since at least the first shipment of the Cyber Switching products.  
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1 22. Cyber Switching has suffered damages as the direct and proximate result of Defendant Raritan's  
2 infringement of the '870 Patent.

3 **Count Two**

4 **Raritan's Infringement of the '186 Patent**

5 23. Cyber Switching incorporates by reference as if fully set forth herein the allegations contained  
6 above.

7 24. By reason of some or all of the foregoing, Defendant Raritan has directly infringed all claims of  
8 the '186 Patent. Defendant Raritan's direct infringement has been willful since at least the first  
9 shipment of the Cyber Switching products.

10 25. By reason of some or all of the foregoing, Defendant Raritan has indirectly infringed all claims of  
11 the '186 Patent by inducing infringement and contributing to infringement. Defendant had  
12 knowledge of the '186 Patent since at least the first shipment of Cyber Switching products and  
13 intended to induce infringement of the Patent in others. One or more of Defendant's Products are  
14 nonstaple items and have no substantial non-infringing uses. Defendant Raritan's indirect  
15 infringement has been willful since at least the first shipment of the Cyber Switching products.

16 26. Cyber Switching has suffered damages as the direct and proximate result of Defendant Raritan's  
17 infringement of the '186 Patent.

18 **Count Three**

19 **Raritan's Infringement of the '104 Patent**

20 27. Cyber Switching incorporates by reference as if fully set forth herein the allegations contained  
21 above.

22 28. By reason of some or all of the foregoing, Defendant Raritan has directly infringed all claims of  
23 the '104 Patent. Defendant Raritan's direct infringement has been willful since at least the first  
24 shipment of the Cyber Switching products.

25 29. By reason of some or all of the foregoing, Defendant Raritan has indirectly infringed all claims of  
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1 the '104 Patent by inducing infringement and contributing to infringement. Defendant had  
2 knowledge of the '104 Patent since at least the first shipment of Cyber Switching products and  
3 intended to induce infringement of the Patent in others. One or more of Defendant's Products are  
4 nonstaple items and have no substantial non-infringing uses. Defendant Raritan's indirect  
5 infringement has been willful since at least the first shipment of the Cyber Switching products.  
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7 30. Cyber Switching has suffered damages as the direct and proximate result of Defendant Raritan's  
8 infringement of the '104 Patent.  
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10 WHEREFORE, Cyber Switching prays that this Court:

11 (1) Enter judgment in favor of Cyber Switching and against Defendants for infringement,  
12 including willful infringement as appropriate, of the '870 Patent, as set forth above.

13 (2) Enter judgment in favor of Cyber Switching and against Defendants for infringement,  
14 including willful infringement as appropriate, of the '186 Patent, as set forth above.

15 (3) Enter judgment in favor of Cyber Switching and against Defendants for infringement,  
16 including willful infringement as appropriate, of the '104 Patent, as set forth above.

17 (4) Award damages to Cyber Switching in an amount to be proven at trial for Defendants'  
18 infringement, pursuant to 35 U.S.C. §284.

19 (5) Declare this to be an exceptional case pursuant to 35 U.S.C. §285 and award Cyber Switching  
20 its attorney's fees in this action.

21 (6) Award the costs of this action to Cyber Switching.

22 (7) Try this case before a jury; and

23 (8) Allow Cyber Switching to have such other and further relief as the Court Deems just and  
24 proper.  
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1 Date: June 10, 2014

/s/ Kevin M. Pasquinelli, Esq.  
Mount, Spelman & Fingerman, P.C.  
Counsel for Plaintiff Cyber Switching

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