

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

ADVANCED RESEARCH CORPORATION, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) INTERNATIONAL BUSINESS MACHINES ) **JURY TRIAL REQUESTED**  
 )  
 ) CORPORATION, )  
 ) FUJIFILM HOLDINGS CORPORATION, )  
 ) FUJIFILM CORPORATION, )  
 ) AND ORACLE CORPORATION )  
 )  
 ) Defendants. )  
 )  
 )

**COMPLAINT**

Plaintiff, Advanced Research Corporation, for its Complaint for patent infringement against Defendants, International Business Machines Corporation, Fujifilm Holdings Corporation, Fujifilm Corporation, and Oracle Corporation, hereby alleges as follows.

**THE PARTIES**

1. Advanced Research Corporation (“ARC”) is a Minnesota corporation with a principal place of business at 4459 White Bear Parkway, White Bear Lake, Minnesota.

2. International Business Machines Corporation (“IBM”) is, on information and belief, a New York corporation with a principal place of business in Armonk, New York.

3. Fujifilm Holdings Corporation (“Fujifilm Holdings”) is, on information and belief, a corporation organized under the laws of Japan, with a principal place of business at 7-3 Akasaka 9-chome, Minato-ku, Tokyo, Japan. Fujifilm Holdings is, on information and belief, the parent company of Fujifilm Corporation.

4. Fujifilm Corporation is, on information and belief, a corporation organized under the laws of Japan, with a principal place of business at 7-3 Akasaka 9-chome, Minato-ku, Tokyo, Japan. Fujifilm Corporation is, on information and belief, an operating arm of Fujifilm Holdings.

5. Oracle Corporation is, on information and belief, a Delaware Corporation with a principal place of business at 500 Oracle Parkway, Redwood Shores, California.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, namely 35 U.S.C. § 1, et seq.

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over all defendants. The market for the accused products is nationwide, and includes this District. Defendants sell their accused products directly and/or through distributors nationwide, including in this District. Defendants expect and intend that the accused products will be sold in this District, and it is foreseeable to Defendants that their accused products will be sold in this District.

9. Defendant IBM has offices in this District, including offices located at Waters Corporate Park, 2900 Lone Oak Parkway, Suite 135, Eagan, Minnesota and at 3605 U.S. 52, Rochester, Minnesota. Defendant IBM is authorized to do business in this District, and has designated an agent for service of process in this District

10. Defendant Oracle's website indicates that it has offices in Minnesota at 8000 Norman Center Drive, Suite 700, Bloomington, Minnesota and at 900 Second Avenue South, Suite 900, Minneapolis, Minnesota. Oracle America, Inc., which is, on information and belief, a subsidiary of Oracle Corporation, is authorized to do business in this District and has designated an agent for service of process in this District.

11. Fujifilm's subsidiaries, Fujifilm Holdings America Corporation and Fujifilm North America Corporation are authorized to do business in this District, and have designated agents for service of process in this District, and one or more of them have an office in this District, at 2420 Long Lake Rd. North. Roseville, Minnesota 55113.

12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b), in that Defendants reside in this District.

### **BACKGROUND**

13. ARC is a leader in the design, development and manufacture of magnetic data storage technologies, and particularly magnetic tape formatting technologies.

14. The United States Patent Office has awarded ARC several United States patents on its tape formatting technology including U.S. Patent No. 7,525,761 ("the '761 patent"), U.S. Patent No. 7,948,705 ("the '705 patent"), U.S. Patent No. 8,254,052 ("the '052 patent"), U.S. Patent No. 8,437,103 ("the '103 patent"), and U.S. Patent No.

8,542,457 (“the ‘457 patent”) (collectively “the Asserted Patents”). Copies of the Asserted Patents are attached to this Complaint as Exhibits 1 to 5.

15. ARC owns all right, title and interest in the Asserted Patents, which are valid, subsisting and in full force and effect.

16. The technology at issue generally relates to formatted magnetic data storage tape. Magnetic tape is a preferred medium for long-term or archival storage of computer data. The asserted patents claim methods of formatting magnetic data storage tape or formatted magnetic data storage tape.

**COUNT I**  
**(PATENT INFRINGEMENT)**

17. ARC re-alleges, and incorporates by reference, Paragraphs 1-16 of the Complaint as though fully set forth herein.

18. Defendants have infringed the ‘761 patent, the ‘705 patent, the ‘052 patent, and the ‘457 patent, literally or under the doctrine of equivalents, by importing into the United States, selling, offering to sell, and/or using in the United States formatted magnetic data storage tapes made by processes covered by those patents, in violation of 35 U.S.C. § 271(g).

19. Defendants have infringed the ‘103 patent, literally or under the doctrine of equivalents, by selling, offering to sell, and/or using in the United States formatted magnetic data storage tapes covered by that patent, in violation of 35 U.S.C. § 271(a).

20. The infringing products include the IBM 3592 brand formatted magnetic data storage tape, the Oracle StorageTek T10000 T2 brand formatted magnetic data

storage tape, and the Fujifilm 3592 brand formatted magnetic data storage tape (collectively “the Accused Products”).

21. On information and belief, in addition to manufacturing tape media for itself, Fujifilm is also the media manufacturer for IBM and Oracle.

22. On information and belief, all the accused products are all manufactured by Fujifilm in Japan, and are subsequently imported into the United States by or on behalf of IBM, Oracle and/or Fujifilm.

23. Defendants’ infringement has damaged ARC in an amount to be determined at trial.

24. Defendants’ infringement has harmed and will continue to be harm ARC irreparably harmed unless enjoined.

#### **PRAYER FOR RELIEF**

WHEREFORE, ARC respectfully requests that the Court grant relief as follows:

A. A judgment in favor of ARC that Defendants, and each of them, have infringed one or more claims of each Asserted Patent;

B. An injunction enjoining Defendants and their officers, directors, agents, servants, affiliates and all those acting in active concert or participation with them, preliminarily and permanently thereafter, from infringing the Asserted Patents;

C. An award of damages for patent infringement;

D. An award of attorney’s fees pursuant to 35 U.S.C. § 285.

D. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury of all issues so triable.

Dated: August 22, 2014

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

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