IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY_____ *OS*
DEPUTY

CROSSROADS SYSTEMS, INC.,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. _____
v.	§	
	§	JURY DEMANDED
ORACLE CORPORATION,	§	**A13CV0895 SS**
	§	
Defendant.	§	

**PLAINTIFF CROSSROADS SYSTEMS, INC.'S
COMPLAINT FOR PATENT INFRINGEMENT**

THE PARTIES

1.   Plaintiff Crossroads Systems, Inc. ("Crossroads") is a corporation incorporated under the laws of the State of Delaware and has its principal place of business at 11000 North MoPac Expressway, Austin, Texas 78759.

2.   Upon information and belief, Defendant Oracle Corporation ("Defendant") is a Delaware corporation with a principal place of business of 500 Oracle Parkway, Redwood City, CA 94065.

JURISDICTION AND VENUE

3.   This action arises under the laws of the United States, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

4.   Personal jurisdiction and venue are proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant Oracle has established minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice.

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5.   This Court has personal jurisdiction over Oracle. Upon information and belief, Oracle regularly conducts business in the State of Texas and in this judicial district and is subject to the jurisdiction of this Court. Upon information and belief, Oracle has been doing business in Texas and this judicial district by distributing, marketing, selling and/or offering for sale its products, including, but not limited to, products that practice the subject matter claimed in the Patents-In-Suit, and/or regularly doing or soliciting business and/or engaging in other persistent courses of conduct in and/or directed to Texas and this judicial district.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 6,425,035

6.   Crossroads incorporates by reference the allegations set forth in the preceding paragraphs.

7.   On July 23, 2002, United States Patent No. 6,425,035 (the "'035 Patent") was duly and legally issued. A true and correct copy of the '035 Patent is attached hereto as Exhibit A. Crossroads is the assignee and the owner of all right, title, and interest in and to the '035 Patent. The '035 Patent is entitled to a presumption of validity.

8.   On information and belief, Defendant has directly infringed the '035 Patent. On information and belief, Defendant continues to directly infringe the '035 Patent.

9.   Specifically, on information and belief, Defendant has directly infringed the '035 Patent by making, using, offering for sale, selling and/or importing into the United States certain of its products including at least the following: Sun ZFS Storage 7120 Appliance, Sun ZFS Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Pillar Axiom 300 with Fibre Channel SAN Slammer, Pillar Axiom 300 with iSCSI SAN Slammer, Pillar Axiom 300 with Combination FC/iSCSI SAN Slammer, Pillar Axiom 600 with Fibre Channel SAN Slammer, Pillar Axiom 600 with iSCSI

SAN Slammer, Pillar Axiom 600 with Combination FC/iSCSI SAN Slammer, and Oracle Sun Storage 2540-M2 Array.

10.   Further, on information and belief, Defendant has been and now is indirectly infringing by way of inducing infringement of the '035 Patent with knowledge of the '035 Patent by making, offering for sale, selling, importing into the United States, marketing, supporting, providing product instruction and/or advertising certain of its products, including the Sun ZFS Storage 7120 Appliance, Sun ZFS Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Oracle Solaris with SCSI Target Mode Framework, Pillar Axiom 300 with Fibre Channel SAN Slammer, Pillar Axiom 300 with iSCSI SAN Slammer, Pillar Axiom 300 with Combination FC/iSCSI SAN Slammer, Pillar Axiom 600 with Fibre Channel SAN Slammer, Pillar Axiom 600 with iSCSI SAN Slammer, Pillar Axiom 600 with Combination FC/iSCSI SAN Slammer, and Oracle Sun Storage 2540-M2 Array, and Defendant knew that its actions were inducing end users to infringe the '035 Patent.

11.   Further, on information and belief, Defendant has been and now is indirectly infringing by way of contributing to the infringement by end users of the '035 Patent by selling, offering to sell and/or importing into the United States components, including the Sun ZFS Storage 7120 Appliance, Sun ZFS Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Oracle Solaris with SCSI Target Mode Framework, Pillar Axiom 300 with Fibre Channel SAN Slammer, Pillar Axiom 300 with iSCSI SAN Slammer, Pillar Axiom 300 with Combination FC/iSCSI SAN Slammer, Pillar Axiom 600 with Fibre Channel SAN Slammer, Pillar Axiom 600 with iSCSI SAN Slammer, Pillar Axiom 600 with Combination FC/iSCSI SAN Slammer, and Oracle Sun Storage

2540-M2 Array, knowing the components to be especially made or especially adapted for use in the infringement of the '035 Patent. Such components are not a staple article or commodity of commerce suitable for substantial non-infringing uses.

12.   Defendant has been on constructive and/or actual notice of the '035 Patent since at least as early as November 2009, and Defendant has not ceased its infringing activities. The infringement of the '035 Patent by Defendant has been and continues to be willful and deliberate.

13.   Crossroads has been irreparably harmed by Defendant's acts of infringement of the '035 Patent, and will continue to be harmed unless and until Defendant's acts of infringement are enjoined and restrained by order of this Court.

14.   As a result of the acts of infringement of the '035 Patent by Defendant, Crossroads has suffered and will continue to suffer damages in an amount to be proven at trial.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 7,934,041

15.   Crossroads incorporates by reference the allegations set forth in the preceding paragraphs.

16.   On April 26, 2011, United States Patent No. 7,934,041 (the "'041 Patent") was duly and legally issued. A true and correct copy of the '041 Patent is attached hereto as Exhibit B. Crossroads is the assignee and the owner of all right, title, and interest in and to the '041 Patent. The '041 Patent is entitled to a presumption of validity.

17.   On information and belief, Defendant has directly infringed the '041 Patent. On information and belief, Defendant continues to directly infringe the '041 Patent.

18.   Specifically, on information and belief, Defendant has directly infringed the '041 Patent by making, using, offering for sale, selling and/or importing into the United States certain of its products including at least the following: Sun ZFS Storage 7120 Appliance, Sun ZFS

Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Pillar Axiom 300 with Fibre Channel SAN Slammer, Pillar Axiom 300 with iSCSI SAN Slammer, Pillar Axiom 300 with Combination FC/iSCSI SAN Slammer, Pillar Axiom 600 with Fibre Channel SAN Slammer, Pillar Axiom 600 with iSCSI SAN Slammer, Pillar Axiom 600 with Combination FC/iSCSI SAN Slammer, and Oracle Sun Storage 2540-M2 Array.

19.   Further, upon information and belief, Defendant has been and now is indirectly infringing by way of inducing infringement of the '041 Patent with knowledge of the '041 Patent by making, offering for sale, selling, importing into the United States, marketing, supporting, providing product instruction and/or advertising certain of its products, including the Sun ZFS Storage 7120 Appliance, Sun ZFS Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Oracle Solaris with SCSI Target Mode Framework, Pillar Axiom 300 with Fibre Channel SAN Slammer, Pillar Axiom 300 with iSCSI SAN Slammer, Pillar Axiom 300 with Combination FC/iSCSI SAN Slammer, Pillar Axiom 600 with Fibre Channel SAN Slammer, Pillar Axiom 600 with iSCSI SAN Slammer, Pillar Axiom 600 with Combination FC/iSCSI SAN Slammer, and Oracle Sun Storage 2540-M2 Array, and Defendant knew that its actions were inducing end users to infringe the '041 Patent.

20.   Further, upon information and belief, Defendant has been and now is indirectly infringing by way of contributing to the infringement by end users of the '041 Patent by selling, offering to sell and/or importing into the United States components, including the Sun ZFS Storage 7120 Appliance, Sun ZFS Storage 7320 Appliance, Sun ZFS Storage 7420 Appliance, Oracle Servers with Solaris with SCSI Target Mode Framework, Oracle Solaris with SCSI

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