IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEWLETT-PACKARD CO. and ARUBA NETWORKS, INC.,	)))	
Plaintiffs,	))	Case No. _____
v.	)))	**DEMAND FOR JURY TRIAL**
CHRIMAR SYSTEMS, INC. d/b/a CMS TECHNOLOGIES,	)))	
Defendant.	))	

**HEWLETT-PACKARD CO. AND ARUBA NETWORKS, INC.'S
COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs Hewlett-Packard Company ("HP") and Aruba Networks, Inc.

("Aruba") (collectively and each in its own right, "Plaintiffs"), for their Complaint

against Defendant ChriMar Systems, Inc. d/b/a CMS Technologies ("ChriMar"),

hereby demand a jury trial and allege as follows:

NATURE OF THE ACTION

1.   Plaintiffs each seek a declaratory judgment of patent noninfringement,

invalidity, and unenforceability due to unclean hands, estoppel, waiver, and/or

implied license of United States Patent Nos. 9,019,838 (the "'838 Patent"), entitled

"Central Piece of Network Equipment," and 9,049,019 (the "'019 Patent"), entitled

"Network Equipment and Optional Tether," pursuant to the Patent Laws of the

{36692/1/DT969488.DOC;1}

United States, 35 U.S.C. § 100 *et seq.*, and such other relief as the Court deems just and proper.

2.   Aruba seeks a declaratory judgment of patent noninfringement, invalidity, and unenforceability due to unclean hands, estoppel, waiver, and/or implied license of United States Patent Nos. 7,457,250 (the "'250 Patent"), entitled "System for Communicating with Electronic Equipment"; 8,155,012 (the "'012 Patent"), entitled "System and Method for Adapting a Piece of Terminal Equipment"; 8,902,760 (the "'760 Patent"), entitled "Network System and Optional Tethers"; and 8,942,107 (the "'107 Patent"), entitled "A Piece of Ethernet Terminal Equipment," pursuant to the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*, and such other relief as the Court deems just and proper.

3.   A true and correct copy of the '838 Patent is attached hereto as Exhibit A. A true and correct copy of the '019 Patent is attached hereto as Exhibit B. A true and correct copy of the '250 Patent is attached hereto as Exhibit C. A true and correct copy of the '012 Patent is attached hereto as Exhibit D. A true and correct copy of the '760 Patent is attached hereto as Exhibit E. A true and correct copy of the '107 Patent is attached hereto as Exhibit F.

4.   Plaintiffs also bring an action for breach of contract by ChriMar for breach of the IEEE's patent policy and bylaws that required ChriMar to disclose through a Letter of Assurance patents or patent applications that ChriMar believed

were infringed by the practice of actual and/or proposed standards of the IEEE, such as ChriMar's '838 and '019 Patent-related applications.

5.   Plaintiffs also bring an action under Section 17200 *et seq.* of the California Business and Professions Code for ChriMar's unfair business practices related to its conduct before the IEEE and its enforcement of the '838 Patent, the '019 Patent, and related patents.

6.   Aruba also brings an action for breach of contract by ChriMar for breach of the IEEE's patent policy and bylaws that required ChriMar to disclose through a Letter of Assurance patents or patent applications that ChriMar believed were infringed by the practice of actual and/or proposed standards of the IEEE, such as ChriMar's '250, '012, '760, and '107 Patent-related applications.

7.   Aruba also brings an action under Section 17200 *et seq.* of the California Business and Professions Code for ChriMar's unfair business practices related to its conduct before the IEEE and its enforcement of the '250 Patent, the '012 Patent, the '760 Patent, the '107 Patent, and related patents.

PARTIES

8.   Plaintiff Hewlett-Packard Co. is a corporation organized under the laws of Delaware with its principal place of business at 3000 Hanover Street, Palo Alto, California.

9.   Plaintiff Aruba Networks, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 1322 Crossman Avenue, Sunnyvale, California.   Aruba was acquired by HP in 2015, in a transaction completed on May 19, 2015. Aruba is now a wholly-owned subsidiary of HP, but remains separately incorporated.

10.   On information and belief, Defendant ChriMar Systems, Inc. d/b/a CMS Technologies is a Michigan corporation with its principal place of business at 36528 Grand River Avenue, Suite A-1 in Farmington Hills, Michigan.

JURISDICTION AND VENUE

11.   This Court has jurisdiction over these claims pursuant to, and without limitation, 28 U.S.C. §§ 1331, 1338(a), and 1367; the Declaratory Judgment Act 28 U.S.C. §§ 2201 and 2202; and the patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

12.   The Court also has supplemental jurisdiction over the state law claims asserted in this Complaint under 28 U.S.C. § 1367 because the state and federal claims arise from a common nucleus of operative facts.

13.   An actual and justiciable controversy exists between ChriMar and Plaintiffs as to the noninfringement, invalidity, and unenforceability of the '838 and '019 Patents. In addition, an actual and justiciable controversy exists between ChriMar and Aruba as to the noninfringement, invalidity, and unenforceability of

the '250, '012, '760, and '107 Patents. As further alleged below, ChriMar is and

has been engaged in a campaign to license and enforce its patent portfolio against

manufacturers and sellers of Power over Ethernet ("PoE") networking products,

including Plaintiffs. In connection with ChriMar's licensing campaign targeting

PoE products, HP is currently involved in litigation against ChriMar with respect

to U.S. Patent No. 7,457,250 (the "'250 Patent").[1] This litigation involves PoE

products implementing the IEEE 802.3af and IEEE 802.3at amendments to the

IEEE 802.3 standard. HP has also brought declaratory judgment actions against

ChriMar with respect to related U.S. Patent No. 8,155,012 (the "'012 Patent")[2] and

U.S. Patent Nos. 8,902,760 (the "'760 Patent") and 8,942,107 (the "'107 Patent")

in this Court.[3] The '838 Patent issued in April 2015, and the '019 Patent recently

issued in June 2015. Plaintiffs maintain that the '838 and '019 Patents are invalid,

unenforceable, and are not infringed by Plaintiffs' PoE products capable of

implementing the IEEE 802.3af and IEEE 802.3at amendments to the IEEE 802.3

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[1]   *ChriMar Systems, Inc. v. Cisco Systems, Inc.*, No. 4:13-cv-1300-JSW (N.D. Cal.) ("*ChriMar v. Cisco*").

[2]   *Hewlett-Packard Co. v. ChriMar Systems, Inc.*, No. 2:14-cv-10292 (E.D. Mich.).   That action is currently stayed pending resolution of the N.D. Cal. litigation.

[3]   *Hewlett-Packard Co. v. ChriMar Systems, Inc.*, No. 2: 15-cv-10814 (E.D. Mich.).   That action is currently stayed pending resolution of the N.D. Cal. litigation.

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