

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

CHRIMAR SYSTEMS, INC., D/B/A
CMS TECHNOLOGIES AND
CHRIMAR HOLDING COMPANY, LLC,

Plaintiffs,

v.

DELL INC. AND
AEROHIVE NETWORKS, INC.,

Defendants.

CIVIL ACTION NO.

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Chrimar Systems Inc. d/b/a CMS Technologies (“Chrimar”) and Chrimar Holding Company, LLC (“Holding”) file this Original Complaint (“the Complaint”) for infringement of United States Patent Nos. 8,155,012 (“the ’012 Patent”), 8,942,107 (“the ’107 Patent”), 8,902,760 (“the ’760 Patent”), and 9,019,838 (“the ’838 Patent”), collectively the “Patents-in-Suit.”

THE PARTIES

1. Chrimar is a Michigan corporation with a place of business located at 36528 Grand River Avenue, Suite A-1, Farmington Hills, Michigan 48335.
2. Holding is a Texas limited liability company with a place of business located at 911 NW Loop 281, Suite 211-14, Longview, Texas 75604.
3. Chrimar and Holding are collectively referred to as “Plaintiffs” or “CMS.”

**Chrimar Systems, Inc.
Exhibit 2090-1**

IPR2016-01758 IUSPN 0 010 838

4. Dell Inc. (“Dell”) is a Delaware corporation with its principal place of business located at One Dell Way, Round Rock, Texas 78682. This Court has personal jurisdiction over Dell.

5. Aerohive Networks, Inc. (“Aerohive”) is a Delaware corporation with its principal place of business located at 330 Gibraltar Drive, Sunnyvale, California 94089. This Court has personal jurisdiction over Aerohive.

6. Dell and Aerohive are collectively referred to as “Defendants.”

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

10. This Court has personal jurisdiction over Defendants because Defendants have engaged in continuous and systematic activities in the state of Texas, including in this district.

PATENTS-IN-SUIT

11. Chrimar is the owner and assignee of the ’012 Patent, entitled “System and Method for Adapting a Piece of Terminal Equipment” and Holding is the exclusive licensee of the ’012 Patent. CMS owns all substantial rights in the ’012 Patent. A true and correct copy of the ’012 Patent is attached as Exhibit A.

12. The ’012 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Chrimar is the owner and assignee of the ’107 Patent, entitled “Piece of Ethernet Terminal Equipment” and Holding is the exclusive licensee of the ’107 Patent. CMS owns all

Chrimar Systems, Inc.
Exhibit 2090-2

IPR2016-01758 IJSPN 0 010 828

substantial rights in the '107 Patent. A true and correct copy of the '107 Patent is attached as Exhibit B.

14. The '107 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

15. Chrimar is the owner and assignee of the '760 Patent, entitled "Network System and Optional Tethers" and Holding is the exclusive licensee of the '760 Patent. CMS owns all substantial rights in the '760 Patent. A true and correct copy of the '760 Patent is attached as Exhibit C.

16. The '760 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

17. Chrimar is the owner and assignee of the '838 Patent, entitled "Central Piece of Network Equipment" and Holding is the exclusive licensee of the '838 Patent. CMS owns all substantial rights in the '838 Patent. A true and correct copy of the '838 Patent is attached as Exhibit D.

18. The '838 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DEFENDANTS' ACCUSED PRODUCTS

19. Upon information and belief, Defendants make, use, offer to sell, sell, and/or import Power over Ethernet ("PoE") powered devices ("PDs") that comply with and/or are compatible with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, wireless access points such as the AP330 and PoE IP cameras, collectively the "Accused PD Products."

20. Upon information and belief, Defendants make, use, offer to sell, sells, and/or import PoE power sourcing equipment ("PSEs") that comply with and/or are compatible with IEEE 802.3af and/or 802.3at.

Chimar Systems, Inc.
Exhibit 2090-3

IPR2016-01758 IJSPN 0 010 828

and/or 802.3at. Such products include, but are not limited to, PoE switches such as the N3000 Series Switch, collectively the “Accused PSE Products.”

21. The Accused PD Products and the Accused PSE Products are collectively the “Accused Products.”

22. Upon information and belief, the Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.

23. Defendants have purposefully and voluntarily placed the Accused Products into the stream of commerce with the expectation that these products will be purchased and used by end users in the United States, including end users in the Eastern District of Texas.

24. Defendants provide direct and indirect support concerning the Accused Products to end users, including end users within the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,155,012

25. CMS incorporates paragraphs 1 through 244 herein by reference.

26. Defendants have and continue to directly infringe the '012 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused PD Products.

27. Defendants have and continue to indirectly infringe the '012 Patent in violation of 35 U.S.C. § 271(b) by inducing its partners, customers, distributors, and/or end users to use, offer for sale, and sell the Accused PD Products, and therefore Defendants induce others to directly infringe the '012 Patent.

28. End users that use the Accused PD Products directly infringe the '012 Patent.

Chrimar Systems, Inc.
Exhibit 2090-4

IPR2016-01758 IJSPN 0 010 838

29. Defendants have been on notice of the '012 Patent since at least as early as the filing date of this Complaint.

30. CMS has been damaged as a result of Defendants' infringing conduct described in this Count.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 8,942,107

31. CMS incorporates paragraphs 1 through 30 herein by reference.

32. Defendants have and continue to directly infringe the '107 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused PD Products.

33. Defendants have and continue to indirectly infringe the '107 Patent in violation of 35 U.S.C. § 271(b) by inducing its partners, customers, distributors, and/or end users to use, offer for sale, and sell the Accused PD Products, and therefore Defendants induce others to directly infringe the '107 Patent.

34. End users that use the Accused PD Products directly infringe the '107 Patent.

35. Defendants have been on notice of the '107 Patent since at least as early as the filing date of this Complaint.

36. CMS has been damaged as a result of Defendants' infringing conduct described in this Count.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.