

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

MYPAQ HOLDINGS LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC. and
DELL INC.,

Defendants.

CIVIL ACTION NO. 6:21-CV-00933

JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff MyPAQ Holdings Ltd. (“MyPAQ”) files this Original Complaint for Patent Infringement and Jury Demand against Defendants Dell Technologies Inc. and Dell Inc. (together, “Defendants” or “Dell”). Plaintiff alleges infringement of United States Patent Number 7,675,759 (the “759 Patent”) and United States Patent Number 8,477,514 (the “514 Patent”) (together, the “Patents”) as follows:

I. PARTIES

1. MyPAQ is a corporation organized and existing under the laws of the Republic of Seychelles with a principal place of business at 303 Aarti Chambers, Victoria Mahe, Republic of Seychelles. MyPAQ is the assignee of each of the Patents.

2. Defendant Dell Technologies Inc. is a corporation organized and existing under the laws of Delaware with a principal place of business at One Dell Way, Round Rock, Texas 78682. Dell Technologies Inc. may be served with process through its registered agent with the Delaware Secretary of State, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

3. Defendant Dell Inc. is an indirect subsidiary corporation of Dell Technologies Inc., organized and existing under the laws of Delaware with a principal place of business at One Dell Way,

MyPAQ, Exhibit 2003

Round Rock, Texas 78682. Dell Inc. has additional offices at 1404 Park Center Drive, Austin, Texas; 701 E. Parmer Lane, Building PS2, Austin, Texas; 12500 Tech Ridge Road, Austin, Texas; 9715 Burnet Road, Austin, Texas; and 4309 Emma Browning Avenue, Austin, Texas. Dell Inc. may be served with process through its registered agent with the Texas Secretary of State, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Dell Inc. is registered to do business in Texas and has been since at least October 27, 1987.

II. JURISDICTION

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 284, and 285. This is a patent infringement lawsuit over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This United States District Court for the Western District of Texas has general and specific personal jurisdiction over Defendants because Defendants are present in, and transact and conduct business in and with residents of, this District and the State of Texas.

6. MyPAQ's causes of action arise, at least in part, from Defendants' contacts with and activities in this District and the State of Texas.

7. Defendants have committed acts that infringe the Patents within this District and the State of Texas by making, using, selling, offering for sale, and/or importing infringing products in or into this District and elsewhere in the State of Texas. Defendants make, use, sell, offer for sale, ship, distribute, advertise, promote, and/or otherwise commercialize such infringing products in this District and the State of Texas. Defendants regularly conduct and solicit business in, engage in other persistent courses of conduct in, and/or derive substantial revenue from goods and services provided to residents of this District and the State of Texas.

III. VENUE

8. Venue is proper in this District against Defendants because each has physical offices located in this District that are regular and established places of business and belong to them. *See In re Cray Inc.*, 871 F.3d 1355 (Fed. Cir. 2017).

9. As a result of Dell's corporate structure, Dell Technologies Inc. exercises direction and control over the performance of Dell Inc. Alternatively, Defendants form a joint business enterprise such that the performance by one is attributable to the other.

10. As such, Defendants, individually and collectively as a common business enterprise, conduct business operations and maintain regular and established offices in the Western District of Texas, including at One Dell Way, Round Rock, Texas 78682, which is Dell's principal place of business. Dell Inc. has additional offices in this District at 1404 Park Center Drive, Austin, Texas; 701 E. Parmer Lane, Building PS2, Austin, Texas; 12500 Tech Ridge Road, Austin, Texas; 9715 Burnet Road, Austin, Texas; and 4309 Emma Browning Avenue, Austin, Texas.

11. In addition, each of the Defendants has placed, or contributed to placing, infringing products into the stream of commerce via an established distribution channel knowing or understanding that such products would be sold and used in the United States, including in the Western District of Texas.

12. On information and belief, Defendants have authorized retailers that offer and sell products on their behalf in this District, including the products accused of infringement herein. On information and belief, these retailers include Office Depot, *e.g.*, at 5524 Bosque Boulevard, Waco, Texas 76710, and Best Buy, *e.g.*, at 4627 S. Jack Kultgen Expressway, Waco, Texas 76706, among others.

13. On information and belief, Defendants have each derived substantial revenue from infringing acts in the Western District of Texas, including from the sale and use of infringing products.

14. Venue is proper under 28 U.S.C. § 1391(b)–(c) and 28 U.S.C. § 1400.

IV. UNITED STATES PATENT NUMBER 7,675,759

15. United States Patent Number 7,675,759 is titled “Power System with Power Converters Having an Adaptive Controller” and was filed on February 23, 2007. The ’759 Patent claims priority to United States Patent Application Number 11/607,325, which was filed on December 1, 2006. A true and correct copy of the ’759 Patent is attached as Exhibit A and is publicly available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=7675759>.

16. The ’759 Patent claims patent-eligible subject matter and is valid and enforceable.

17. Claim 1 of the ’759 Patent reads:

A power converter coupled to a power system controller configured to receive a signal indicating a system operational state of a load coupled thereto, comprising:

a power switch configured to conduct for a duty cycle to provide a regulated output characteristic at an output thereof; and

a controller configured to receive a command from said power system controller to enter a power converter operational state as a function of said signal indicating said system operational state, said controller further configured to provide a signal to control said duty cycle of said power switch as a function of said output characteristic and in accordance with said command, thereby regulating an internal operating characteristic of said power converter to improve an operating efficiency thereof as a function of said system operational state.

18. Claim 6 of the ’759 Patent reads:

A power system coupled to a load, comprising:

a power system controller configured to receive a signal indicating a system operational state of said load and to select a power converter operational state as a function thereof; and

a power converter, including:

a power switch configured to conduct for a duty cycle to provide a regulated output characteristic at an output thereof, and

a controller configured to receive a command from said power system controller to enter said power converter operational state and to provide a signal to control said duty cycle of said power switch as a function of said output characteristic and in accordance with said command, thereby regulating an internal operating characteristic of said power converter to improve an operating efficiency thereof as a function of said system operational state.

19. The '759 Patent's named inventors are Daniel A. Artusi, Ross Fosler, and Allen F. Rozman.

20. MyPAQ owns all rights, title, and interests in and to the invention of the '759 Patent and its underlying patent applications by written assignments recorded in the United States Patent and Trademark Office. On March 8, 2007, as recorded with the United States Patent and Trademark Office on April 18, 2007, Daniel A. Artusi, Ross Fosler, and Allen F. Rozman assigned their interests in the '759 Patent to ColdWatt, Inc. On April 7, 2008, as recorded with the United States Patent and Trademark Office on February 4, 2009, ColdWatt, Inc. merged with Flextronics International USA, Inc. In turn, Flextronics International USA, Inc. assigned its interests in the '759 Patent to MyPAQ on March 26, 2021, as recorded with the United States Patent and Trademark Office on April 8, 2021.

21. As a result, MyPAQ is the exclusive owner by assignment of all rights, title, and interests in the '759 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '759 Patent.

22. Defendants are not licensed to the '759 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '759 Patent whatsoever.

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