

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

**Valtrus Innovations Ltd. and  
Key Patent Innovations Ltd.**

**Plaintiff,**

v.

**DataBank Holdings Ltd.**

**Defendant.**

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**CIVIL ACTION NO. 2:24-cv-00777**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiffs Valtrus Innovations Limited (“Valtrus”) and Key Patent Innovations Limited (“KPI”) (collectively, “Plaintiffs”), by and through its undersigned counsel, bring this complaint for patent infringement and damages against Defendant DataBank Holdings Ltd. (“DataBank” or “Defendant”) and, in support, allege the following:

**PARTIES**

1. Plaintiff Valtrus is the successor-in-interest to a substantial patent portfolio created by Hewlett Packard Enterprise and its predecessor, subsidiary, and affiliate companies, including Hewlett-Packard Development Company, L.P. (collectively, “HPE”). Valtrus is an Irish entity duly organized and existing under the laws of Ireland. The address of the registered office of Valtrus is: The Glasshouses GH2, 92 Georges Street Lower, Dun Laoghaire, Dublin A96 VR66, Ireland. HPE’s worldwide corporate headquarters is located in Houston, Texas. One of HPE’s primary U.S. facilities is located in Plano, Texas.

2. Plaintiff KPI is the beneficiary of a trust pursuant to which Valtrus owns, holds, and asserts the Asserted Patents. KPI is an Irish entity duly organized and existing under the laws of

Ireland. The address of the registered office of KPI is: The Glasshouses GH2, 92 Georges Street Lower, Dun Laoghaire, Dublin A96 VR66, Ireland.

3. On information and belief, DataBank Holdings Ltd. is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 400 South Akard St., Suite 100, Dallas, TX 75202. DataBank has a regular and established place of business at two data centers located in this District: DFW3 and DFW8, both located at 8375 Dominion Pkwy, Plano, TX 75024 (collectively referred to as “DFW Data Centers”). On information and belief, DataBank may be served with process through its registered agent at Cogency Global Inc., 1601 Elm St., Ste. 4360, Dallas, TX 75201.

#### **PATENTS IN SUIT**

4. Valtrus is the assignee of and owns all right and title to U.S. Patent Nos. 6,718,277 (the “’277 Patent”); 6,854,284 (the “’284 Patent”); 6,868,682 (the “’682 Patent”); 6,868,683 (the “’683 Patent”); 6,854,287 (the “’287 Patent”); 6,862,179 (the “’179 Patent”); and 7,031,870 (the “’870 Patent”) (collectively, “the Asserted Patents”).

5. The Asserted Patents were developed by inventors working for HPE. HPE developed numerous innovative and diverse technologies, including groundbreaking inventions pertaining to data center cooling, analytics for monitoring conditions in data centers, and structural organization of data centers.

6. The ’277 Patent, entitled “Atmospheric control within a building,” was duly and lawfully issued on April 6, 2004. A true and correct copy of the ’277 Patent is attached hereto as Exhibit 1.

7. The '277 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '277 Patent, including the right to seek damages, including past damages, for any infringement thereof.

8. The '284 Patent, entitled "Cooling of data centers," was duly and lawfully issued on February 15, 2005. A true and correct copy of the '284 Patent is attached hereto as Exhibit 2.

9. The '284 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '284 Patent, including the right to seek damages, including past damages, for any infringement thereof.

10. The '682 Patent, entitled "Agent based control method and system for energy management," was duly and lawfully issued on March 22, 2005. A true and correct copy of the '682 Patent is attached hereto as Exhibit 3.

11. The '682 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '682 Patent, including the right to seek damages, including past damages, for any infringement thereof.

12. The '683 Patent, entitled, "Cooling of data centers," was duly and lawfully issued on March 22, 2005. A true and correct copy of the '682 Patent is attached hereto as Exhibit 4.

13. The '683 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '683 Patent, including the right to seek damages, including past damages, for any infringement thereof.

14. The '287 Patent, entitled "Cooling system," was duly and lawfully issued on February 15, 2005. A true and correct copy of the '287 Patent is attached hereto as Exhibit 5.

15. The '287 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '287 Patent, including the right to seek damages, including past damages, for any infringement thereof.

16. The '179 Patent, entitled "Partition for varying the supply of cooling fluid," was duly and lawfully issued on March 1, 2005. A true and correct copy of the '179 Patent is attached hereto as Exhibit 6.

17. The '179 Patent was in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '179 Patent, including the right to seek damages, including past damages, for any infringement thereof.

18. The '870 Patent, entitled "Data center evaluation using an air re-circulation index," was duly and lawfully issued on April 18, 2006. A true and correct copy of the '870 Patent is attached hereto as Exhibit 7.

19. The '870 Patent has been in full force and effect since its issuance. Valtrus owns by assignment the entire right and title in and to the '870 Patent, including the right to seek damages, including past damages, for any infringement thereof.

20. DataBank has been on notice of the Asserted Patents and its infringement of several of the Asserted Patents since at least April 1, 2024. Valtrus sent DataBank a letter on March 29, 2024 regarding a Notice of Infringement of Valtrus Innovation Ltd.'s Patents ("Notice Letter"). The Notice Letter was delivered to DataBank on April 1, 2024. The Notice Letter was addressed to DataBank's General Counsel, Daniel Yamagishi, and provided the specific factual basis for Valtrus' allegations of infringement. The Notice Letter also proposed a meeting to discuss a potential license or other arrangement between Valtrus and DataBank.

21. DataBank, through counsel, responded to the Notice Letter on June 14, 2024. Valtrus and DataBank have exchanged correspondence regarding the Notice Letter. Valtrus has continued to explain the factual basis for DataBank's infringement of Valtrus' patents and has requested to meet. To date, DataBank has not stopped its infringing activities.

### **JURISDICTION AND VENUE**

22. Plaintiffs incorporate by reference paragraphs 1-21 herein.

23. This civil action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and 285. This is a patent infringement lawsuit over which this Court has subject matter jurisdiction under, *inter alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).

24. This District has general and specific personal jurisdiction over DataBank because, directly or through intermediaries, DataBank has committed acts within this District giving rise to this action; is present in and transacts and conducts business, directly, and/or indirectly, in this District and the State of Texas; and transacts and conduct business with residents of this District and the State of Texas.

25. Plaintiffs' causes of action arise, at least in part, from DataBank's contacts with and activities in and/or directed at this District and the State of Texas.

26. DataBank has infringed the Asserted Patents within this District and the State of Texas by making, using, selling, offering for sale, and/or importing in or into this District and elsewhere in the State of Texas, products and services covered by claims in the Asserted Patents, including without limitation products that, when made or used, practice the claimed methods of the Asserted Patents. DataBank, directly and through intermediaries, makes, uses, sells, offers for sale, imports, ships, distributes, advertises, promotes, and/or otherwise commercializes such

infringing products and services in or into this District and the State of Texas. DataBank regularly conducts and solicits business in, engages in other persistent courses of conduct in, and/or derives substantial revenue from goods and services provided to residents of this District and the State of Texas.

27. This Court has personal jurisdiction over DataBank pursuant to TEX. CIV. PRAC. & REM. CODE § 17.041 *et seq.*

28. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

29. DataBank is doing business, either directly or through respective agents, on an ongoing basis in this Judicial District and elsewhere in the United States and has committed acts of infringement in this district. DataBank has a regular and established place of business in this Judicial District, including at its DFW Data Centers. On information and belief, DataBank makes, uses, sells, offers to sell, and/or imports infringing products into and/or within this District, including at its DFW Data Centers. DataBank maintains a permanent and/or continuing presence within this District at its DFW Data Centers, and has the requisite minimum contacts with this District such that this venue is a fair and reasonable one. Upon information and belief, DataBank has transacted and, at the time of the filing of the Complaint, is continuing to transact business within this District.

### **FIRST CLAIM**

#### **(Infringement of the '277 Patent)**

30. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-29 of the Complaint.

31. The '277 Patent is generally directed to atmospheric control within a building.

32. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1, of the '277 Patent, by making, using, selling, offering for sale, and/or importing systems in its data centers for cooling, or otherwise controlling atmospheric conditions within, the data centers. For example, on information and belief, and before the expiration of the '277 Patent, DataBank operated cooling systems in its data centers in a manner that infringed the '277 Patent. An exemplary claim chart demonstrating one way in which DataBank infringed claim 1 of the '277 Patent is attached as Exhibit 8.

### **SECOND CLAIM**

#### **(Infringement of the '284 Patent)**

33. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-32 of the Complaint.

34. The '284 Patent is generally directed to a system and method for cooling racks in a data center.

35. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '284 Patent, by making, using, selling, offering for sale, and/or importing systems in its datacenters for cooling the datacenters. For example, on information and belief, and before the expiration of the '284 Patent, DataBank operated cooling systems in its data centers in a manner that infringed the '284 Patent. An exemplary claim chart demonstrating one way in which DataBank infringed claim 10 of the '284 Patent is attached as Exhibit 9.

### **THIRD CLAIM**

#### **(Infringement of the '682 Patent)**

36. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-35 of the Complaint.

37. The '682 Patent is generally directed to a system and method for controlling the temperature in a data center based on sensory data.

38. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '682 Patent, by making, using, selling, offering for sale, and/or importing systems in its datacenters for cooling the datacenters. For example, on information and belief, and before the expiration of the '682 Patent, DataBank operated cooling systems in its data centers in a manner that infringed the '682 Patent. An exemplary claim chart demonstrating one way in which DataBank infringed claim 1 of the '682 Patent is attached as Exhibit 10.

#### **FOURTH CLAIM**

##### **(Infringement of the '683 Patent)**

39. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-38 of the Complaint.

40. The '683 Patent is generally directed to cooling racks in a data center using returns and an outlet.

41. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '683 Patent, by making, using, selling, offering for sale, and/or importing systems in its datacenters for cooling the datacenters. For example, on information and belief, and before the expiration of the '683 Patent, DataBank operated cooling systems in its data centers in a manner that infringed



the '683 Patent. An exemplary claim chart demonstrating one way in which DataBank infringed claim 10 of the '683 Patent is attached as Exhibit 11.

**FIFTH CLAIM**

**(Infringement of the '287 Patent)**

42. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-41 of the Complaint.

43. The '287 Patent is generally directed to a system and method for cooling a room configured to house a plurality of computer systems.

44. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '287 Patent, by making, using, selling, offering for sale, and/or importing systems in its datacenters for cooling the datacenters. For example, on information and belief, and before the expiration of the '287 Patent, DataBank operated cooling systems in its data centers in a manner that infringed the '287 Patent. An exemplary claim chart demonstrating one way in which DataBank infringed claim 1 of the '287 Patent is attached as Exhibit 12.

**SIXTH CLAIM**

**(Infringement of the '179 Patent)**

45. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-44 of the Complaint.

46. The '179 Patent is generally directed to a partition for varying the supply of cooling fluid in a data center.

47. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the

'179 Patent, by making, using, selling, offering for sale, and/or importing cooling systems in its data centers, including a partition for varying the supply of cooling fluid. For example, on information and belief, and before the expiration of the '179 Patent, DataBank operated cooling systems in its data centers in a manner that infringes the '179 Patent. An exemplary claim chart demonstrating one way in which DataBank infringes claim 1 of the '179 Patent is attached as Exhibit 13.

### **SEVENTH CLAIM**

#### **(Infringement of the '870 Patent)**

48. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-47 of the Complaint.

49. The '870 Patent is generally directed to a system and method for evaluating one or more components in a data center.

50. DataBank has been on notice of the '870 Patent and a specific factual basis for its infringement of the '870 Patent since at least the date of Valtrus' Notice Letter. On information and belief, DataBank did not take any action to stop its infringement.

51. DataBank has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 1 of the '870 Patent, by making, using, selling, offering for sale, and/or importing cooling systems in its data centers. For example, on information and belief, DataBank operates cooling systems in its data centers in a manner that infringes the '870 Patent. An exemplary claim chart demonstrating one way in which DataBank infringes claim 1 of the '870 Patent is attached as Exhibit 14.

52. To the extent DataBank has failed to take any action to stop its infringement after being placed on notice of the above, such infringement has been willful.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs prays for judgment against DataBank as follows:

- A. That DataBank has infringed each of the Asserted Patents, and unless enjoined, will continue to infringe one or more of the applicable Asserted Patents;
- B. That DataBank's infringement of one or more of the applicable Asserted Patents has been willful;
- C. That DataBank pay Plaintiffs damages adequate to compensate Plaintiffs for DataBank's past infringement of each of the Asserted Patents, and present and future infringement of the applicable Asserted Patents, together with interest and costs under 35 U.S.C. § 284;
- D. That DataBank pay prejudgment and post-judgment interest on the damages assessed;
- E. That DataBank pay Plaintiffs enhanced damages pursuant to 35 U.S.C. § 284;
- F. That DataBank be enjoined from infringing the '870 Patent, or if its infringement is not enjoined, that DataBank be ordered to pay ongoing royalties to Plaintiffs for any post-judgment infringement of the '870 Patent;
- G. That this is an exceptional case under 35 U.S.C. § 285; and that DataBank pay Plaintiffs' attorneys' fees and costs in this action; and
- H. That Plaintiffs be awarded such other and further relief, including equitable relief, as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demands a trial by jury on all issues triable to a jury.

September 25, 2024

Respectfully submitted,

/s/ Eric H. Findlay

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