**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VALTRUS INNOVATIONS LTD., KEY PATENT INNOVATIONS LIMITED, Plaintiffs, v. GOOGLE LLC, Defendant.	Case No. _____ JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Valtrus Innovations Ltd. ("Valtrus") and Key Patent Innovations Limited ("KPI" and, together with Valtrus, "Plaintiffs"), by and through their undersigned counsel, plead the following against Google LLC ("Google") and allege as follows:

STATEMENT OF RELATED CASE

THE PARTIES

1.   Valtrus is the successor in interest to a substantial patent portfolio created by Hewlett Packard Enterprise and its predecessor companies, including Compaq, Verity, and Hewlett-Packard Development Company (collectively, "HPE"). Valtrus is an Irish entity duly organized and existing under the laws of the Republic 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 US facilities is located in Plano, Texas.

2.   Valtrus is the assignee and owns all right and title to U.S. Patent No. 7,939,967 ("the '967 Patent").

3.   KPI is the beneficiary of a trust pursuant to which Valtrus owns, holds, and asserts the '967 Patent. KPI is an Irish entity duly organized and existing under the laws of the Republic of Ireland. The address of the registered office of KPI is: The Glasshouses GH2, 92 Georges Street Lower, Dun Laoghaire, Dublin A96 VR66, Ireland.

4.   On information and belief, Google is a limited liability company duly organized and existing under the laws of the State of Delaware, having a regular and established place of business in the Northern District of Texas, including at 3800 Railport Parkway, Midlothian, Texas 76065.

JURISDICTION AND VENUE

5.   This is an action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq*. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6.   This Court has personal jurisdiction over Google because Google creates products and services that are and have been used, offered for sale, sold, and purchased in the Northern District of Texas, and Google has committed, and continues to commit, acts of infringement in the Northern District of Texas, has conducted business in the Northern District of Texas, and has engaged in continuous and systematic activities in the Northern District of Texas.

7.   Under 28 U.S.C. §§ 1391(b)-(d) and 1400(b), venue is proper in this judicial district because Google maintains a regular and established place of business in this district and has committed and regularly commits acts of infringement within this judicial district giving rise to this action. For example, Google operates a 260,000 square-foot data center in Midlothian, Texas. Plaintiffs are informed and believe that this data center includes the infringing systems and practices the infringing methods described herein. This data center is one of only fourteen in all of North America. Google also maintains an office in the Dallas-Fort Worth area in Addison, Texas, and runs a content distribution network (CDN) node in the Dallas area. Google also provides, sells, and offers for sale infringing products and services to users in the Northern District of Texas.

8.   Google also has significant operations in nearby cities, including Austin and Houston. For example, on information and belief, Google owns approximately 550,000 square feet of office space across three locations in downtown Austin, Texas. Google is also continuing

to grow its presence in Texas. For example, on information and belief, Google is preparing to open an additional 750,000 square feet of offices in Austin at Block 185, a new office tower located at 601 West Second Street. Plaintiffs are informed and believe that these offices include employees responsible for the subject matter of this patent suit. For example, on information and belief, Google employees in Austin work on Google Cloud, finance, and engineering. On information and belief, Google also has an office in Houston, and employs more than 1700 people in Texas.

FIRST CLAIM

(Infringement of U.S. Patent No. 7,939,967)

9.   Plaintiffs re-allege and incorporate herein by reference Paragraphs 1-8 of their Complaint.

10.   U.S. Patent No. 7,939,967 ("the '967 Patent"), entitled "Multiple Power Supply Control," was duly and lawfully issued on May 10, 2011. A true and correct copy of the '967 Patent is attached hereto as Exhibit 1.

11.   The '967 Patent names Daniel Humphrey (Houston, TX), Amin Bemat (Cypress, TX), and Reynaldo Domingo (Spring, TX) as co-inventors. The '967 Patent represents the work of these inventors at Hewlett-Packard Development Company, L.P. (Houston, TX), the original assignee of the '967 Patent.

12.   The '967 Patent has been in full force and effect since its issuance. Plaintiffs own by assignment the entire right and title in and to the '967 Patent, including the right to seek damages for any infringement thereof.

13.   The '967 Patent is generally directed to multiple power supply control in data centers.

14.   Google has been on notice of the '967 Patent and a specific factual basis for its infringement of the '967 Patent since at least the filing of this Complaint. On information and belief, Google has not taken any action to stop its infringement.

15.   Plaintiffs are informed and believe, and thereon allege, that Google has infringed and unless enjoined will continue to infringe one or more claims of the '967 Patent, in violation of 35 U.S.C. § 271, by, among other things, making, using, selling, and/or offering for sale, without authority or license, Google data centers across the United States with redundant power systems that infringe the '967 Patent. For example, Google's data center located in the Northern District of Texas at or near 3441 Railport Pkwy, Midlothian, Ellis County, TX 76065 (hereinafter, the "Midlothian Data Center") includes redundant power systems that infringe the '967 Patent.

16.   Google broke ground on its Midlothian Data Center in 2019, and Google has since expanded its Midlothian Data Center to include multiple data center buildings. *See, e.g.*, https://www.google.com/about/datacenters/locations/ellis-county/ (last visited Dec. 27, 2024) ("Ellis County, Texas. Google is proud to call Texas home to our data centers. In June of 2019, Google officially broke ground on our $600 million data center in Midlothian, Texas. In 2023, Google announced a second $600 million Ellis County data center campus in nearby Red Oak."); https://www.datacenterdynamics.com/en/news/google-files-to-build-fourth-data-center-at-midlothian-campus-in-texas/ (last visited Dec. 27, 2024) ("Google has filed to construct a new data center building at its campus outside Dallas, Texas," including "building 4' at 3441 Railport Parkway in Midlothian, Ellis County."). A satellite image of Google's Midlothian Data Center, provided by the service Google Maps, is shown below:

https://www.google.com/maps/place/3441+Railport+Pkwy,+Midlothian,+TX+76065.

17.   Among other things, Google's Midlothian Data Center supports Google Cloud services, including the cloud service region that Google calls the "Dallas" Google Cloud region. *See, e.g.*, https://www.datacenterdynamics.com/en/news/google-files-to-build-fourth-data-center-at-midlothian-campus-in-texas/ (last visited Dec. 27, 2024) ("Google launched a Texas cloud region in Dallas in June 2022."); https://cloud.google.com/blog/products/infrastructure/a-google-cloud-region-now-available-in-dallas-texas (last visited Dec. 27, 2024) (June 7, 2022: "The new Google Cloud region in Dallas, Texas is now open. Google is proud to have roots in Texas, where over 2,400 Googlers from Android, Cloud, Ads and other product areas, support millions of Texas businesses. . . . Today, we're excited to expand our presence in Texas with the launch of our newest

Google Cloud region in Dallas . . . . Now open to Google Cloud customers, the Dallas region

provides you with the speed and availability you need to innovate faster and build high-performing

applications that cater to the needs of nearby end users. We've heard from many of you that the

availability of your workloads and business continuity are increasingly top priorities. The Dallas

region gives you added capacity and the flexibility to distribute your workloads across the U.S.").

18.   By way of example and without limitation, Google's Midlothian Data Center

includes redundant power systems that embody every limitation of claim 1 of the '967 Patent,

literally or under the doctrine of equivalents, as set forth below. The further descriptions below,

which are based on publicly available information, are preliminary examples and are non-limiting.

19.   For example, Google's Midlothian Data Center includes an apparatus, comprising

a first power supply coupled to an electrical load and a first source of electrical energy, the first

power supply configured to issue an alert signal indicative of a failure condition of the first source

of electrical energy. For example, Google's Midlothian Data Center offers power redundancy by

connecting equipment to multiple power supplies with separate power sources. This may include,

for example, a first power supply connected to a Google-owned power substation drawing power

from a first source of electrical energy, and a second power supply connected to a second power

source such as one of many on-site generators. The first power supply will issue an alert if its

power source fails, which will signal a second power supply to transition to handling the full load.

See, e.g., https://cloud.google.com/docs/security/overview/whitepaper (last visited Dec. 27, 2024)

("Powering our data centers. To keep things running 24/7 and provide uninterrupted services, our

data centers have redundant power systems and environmental controls. Every critical component

has a primary and alternate power source, each with equal power. Backup generators can provide

enough   emergency   electrical   power   to   run   each   data   center   at   full   capacity.");

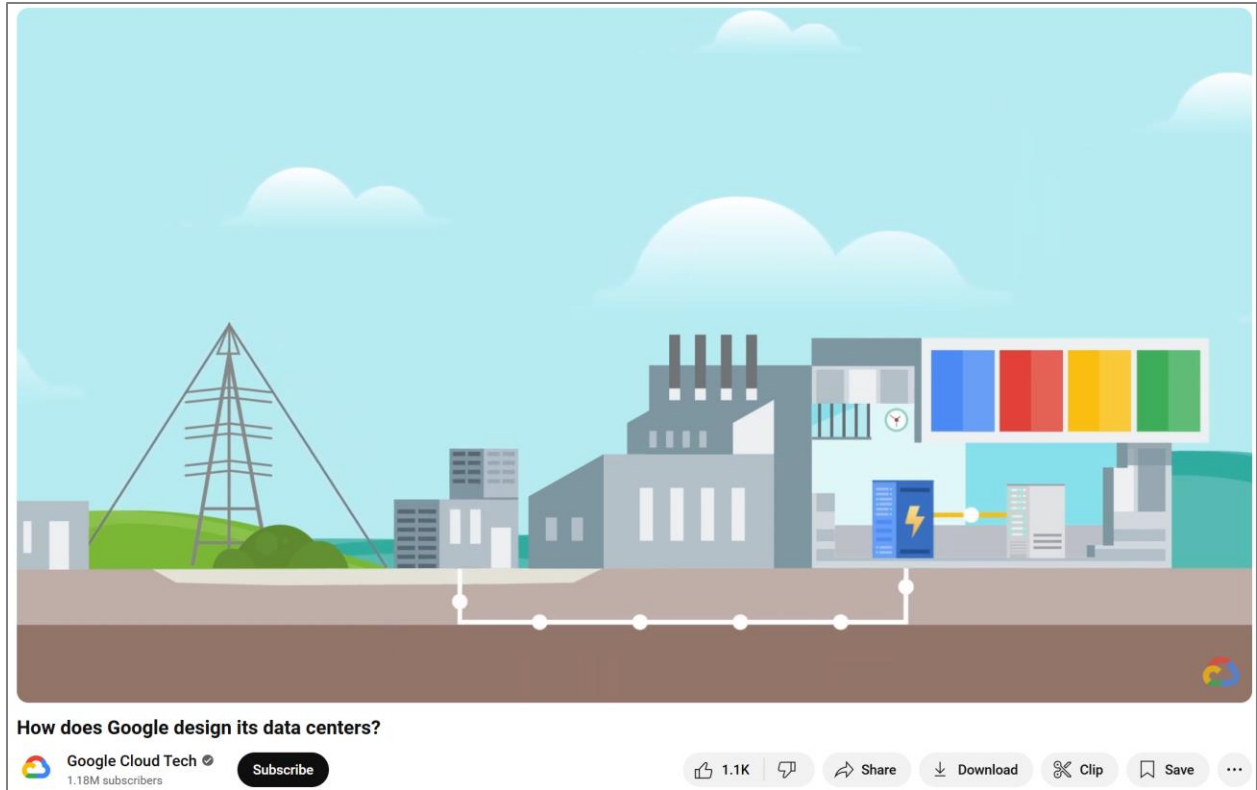https://www.google.com/about/datacenters/data-security/ (last visited Dec. 27, 2024) ("Our emergency backup generators continue to power our data centers even in the event of a power failure. Our ongoing commitment to business continuity is demonstrated through our data centers being ISO 22301:2019 certified.").

20.   For example, the following YouTube video published by Google describes the redundant power systems used in Google's data centers, and this description appears to be consistent with the satellite imagery shown above of Google's Midlothian Data Center. *See, e.g.*, https://www.youtube.com/watch?v=9IZ4qPAL-vA&t=83s (last visited Dec. 27, 2024):

"An electric system feeds into the building and provides a steady stream of electrons flowing to servers."
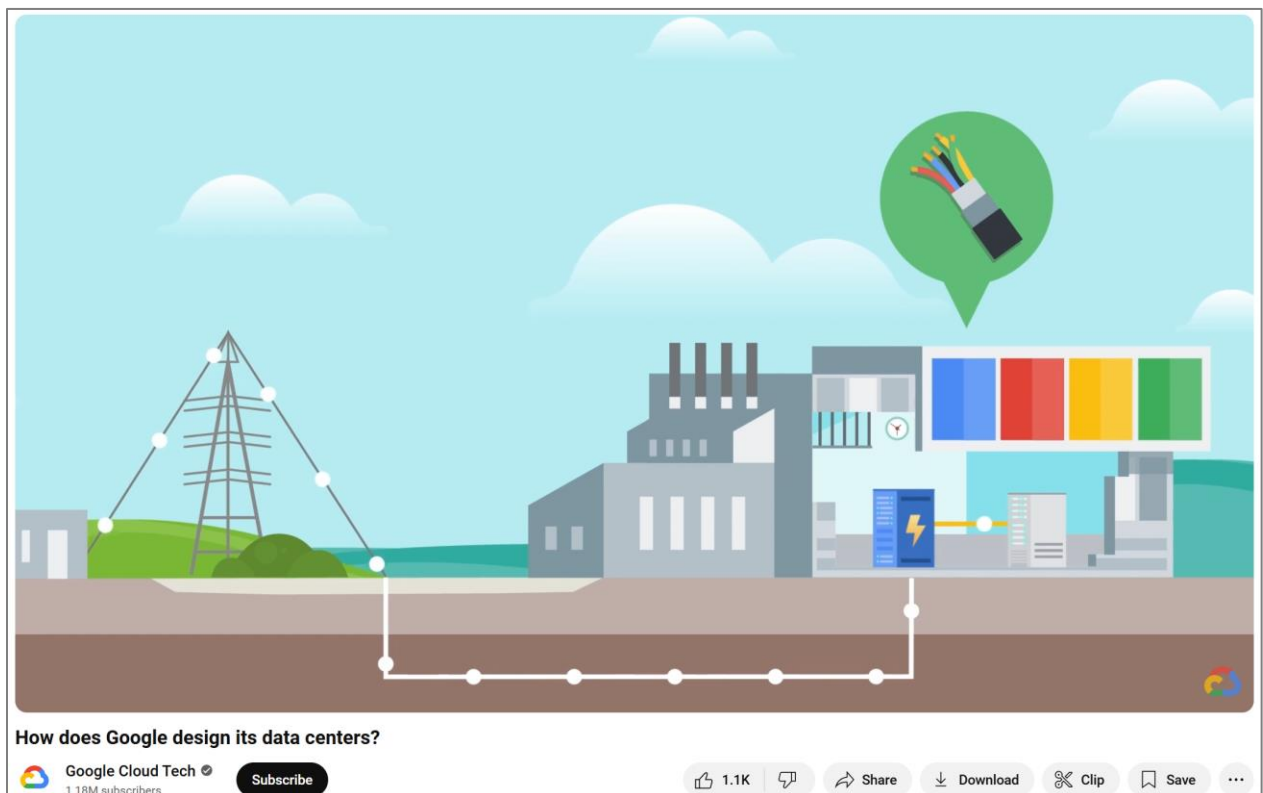
"And, just in case our electric system goes out, we employ a backup energy source to provide redundant power supplies to servers."

How does Google design its data centers?

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21.   For further example, the following YouTube video published by Google provides a tour of a Google data center and describes the redundant power systems used in Google's data centers, and this description appears to be consistent with the satellite imagery of Google's Midlothian Data Center. *See, e.g.*, https://www.youtube.com/watch?v=zDAYZU4A3w0&t=450s (last visited Dec. 27, 2024):

Sandeep: "So Brian, how do we power the cloud?"

Brian: "Well, that all starts at Google's power substation. Let's go take a look."
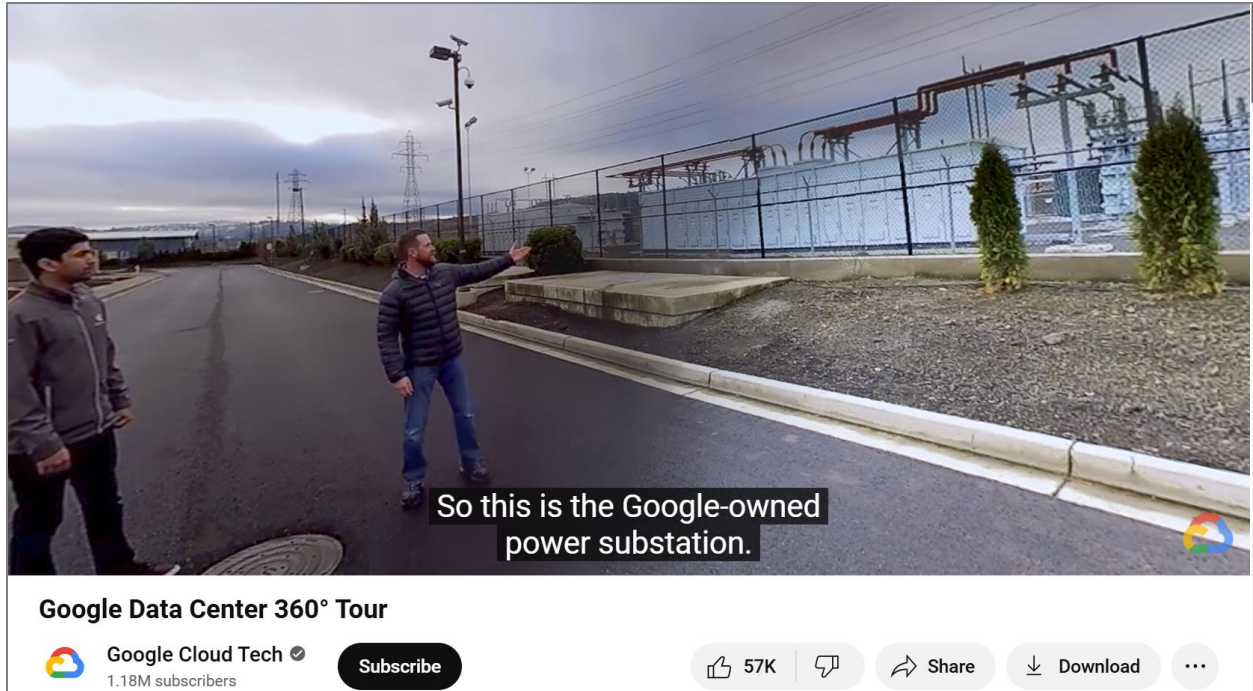
Brian: "So this is the Google-owned power substation. This is where the high voltage power enters the site. It's reduced, and then sent to multiple power distribution centers such as this one right here."
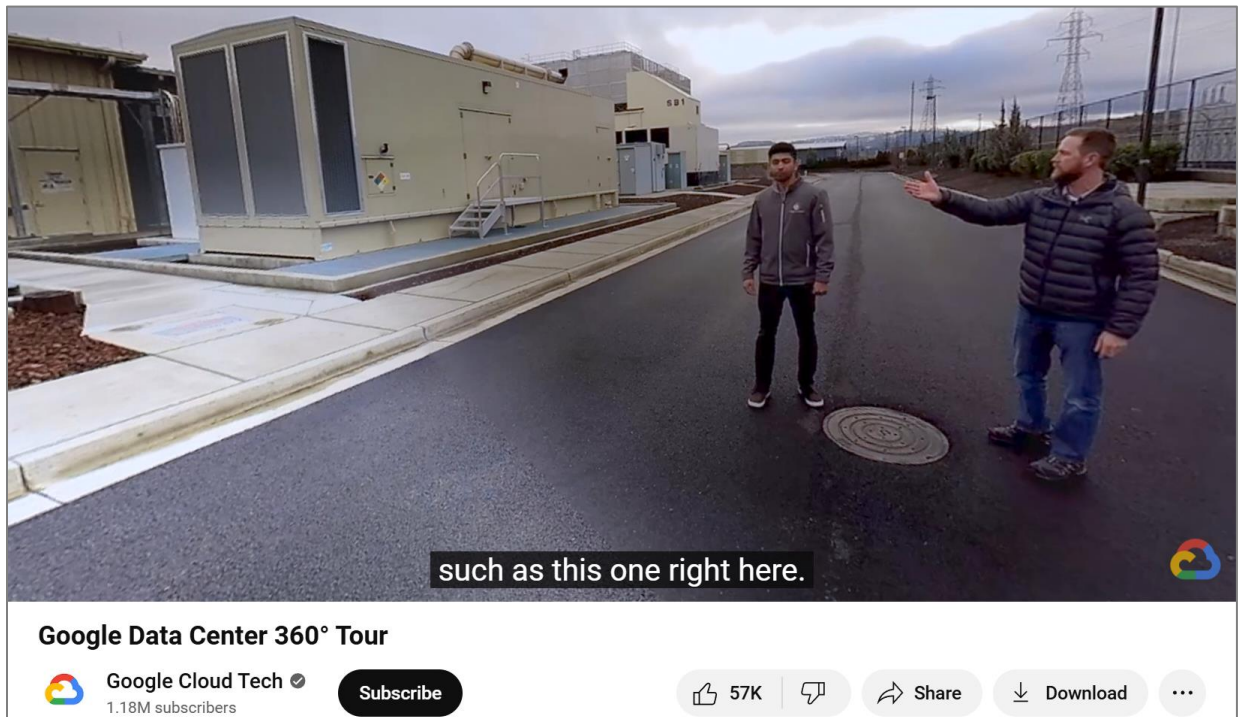
Sandeep: "What happens if a power distribution center loses power?"

Brian: "If it loses power, we have multiple generator and utility backup sources

available to maintain power to those servers."

22.   For example, a satellite image of Google's Midlothian Data Center, provided by

Google Maps, is shown below, annotated to indicate the Google-owned power substation that

draws power from a first source of electrical energy:

https://www.google.com/maps/place/3441+Railport+Pkwy,+Midlothian,+TX+76065 (last visited

Dec. 27, 2024) (annotated with yellow box and yellow text). The foregoing satellite imagery also

appears to be consistent with Google publications regarding its data centers generally. *See, e.g.*,

https://www.google.com/about/datacenters/efficiency/ (last visited Dec. 27, 2024) (annotated with

yellow box, showing the Google-owned power substation that draws power from a first source):
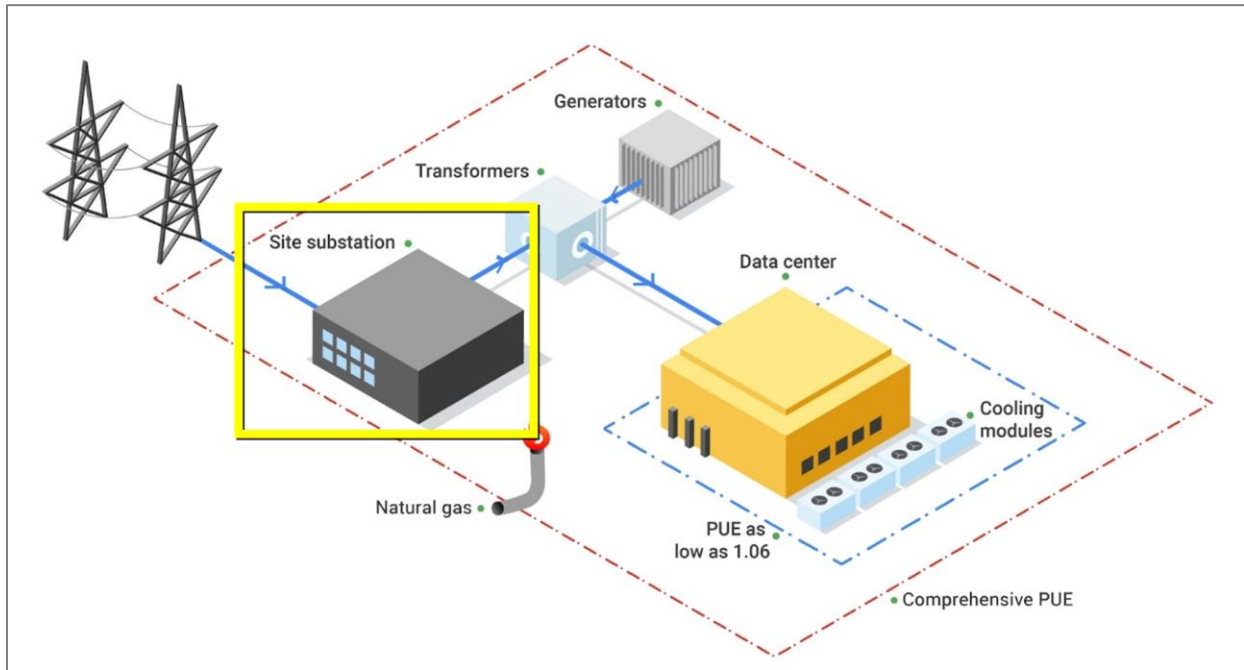
23.   Additionally, for example, Google's Midlothian Data Center includes an apparatus,

comprising a second power supply coupled to the electrical load and a second source of electrical

energy, the second power supply configured to transition from a lesser output level to a greater

output level in response to an activation signal. For example, Google's Midlothian Data Center

comprises equipment connected to a second power supply coupled to a second power source such

as one of multiple on-site generators. For example, a satellite image of Google's Midlothian Data

Center, provided by Google Maps, is shown below, annotated to show buildings that appear to

house the on-site generators that provide power redundancy to the Midlothian Data Center:

https://www.google.com/maps/place/3441+Railport+Pkwy,+Midlothian,+TX+76065 (last visited

Dec. 27, 2024) (annotated with red boxes and red text). The foregoing satellite imagery also

appears to be consistent with Google publications regarding its data centers generally. *See, e.g.*,

https://www.google.com/about/datacenters/efficiency/ (last visited Dec. 27, 2024) (annotated with

red box, depicting the generators that provide power redundancy to the Google data center):
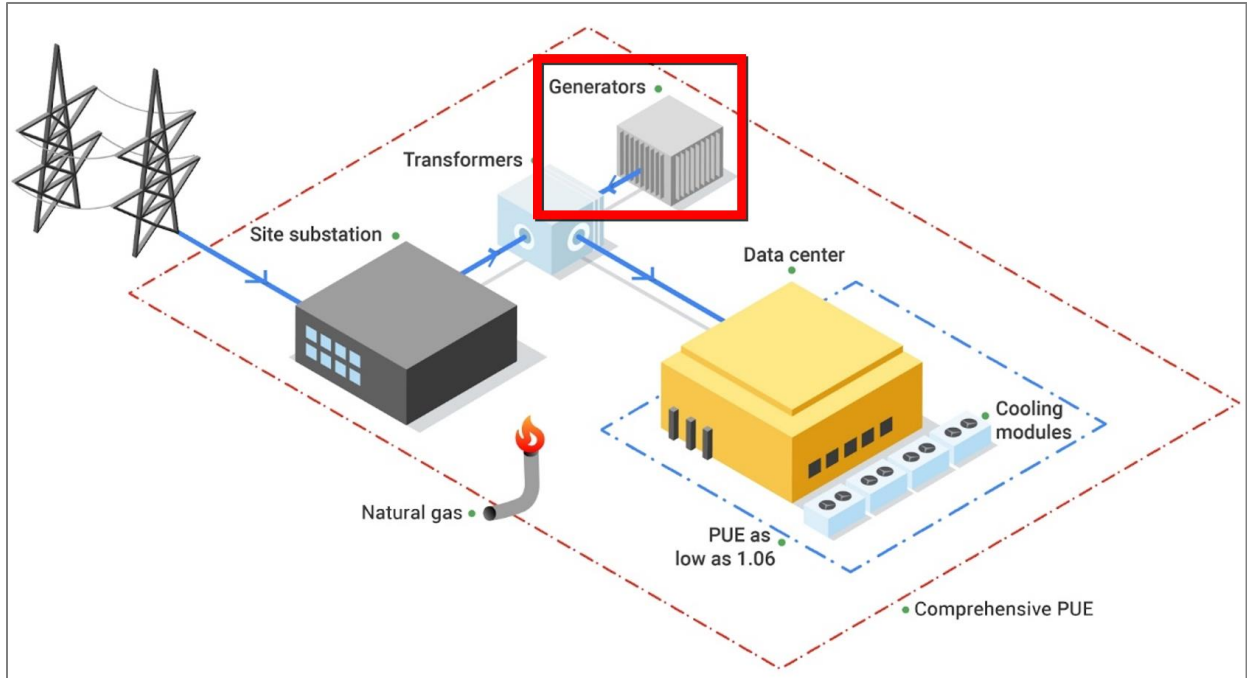
24.   For example, Google's Midlothian Data Center appears to use diesel generators housed within buildings, as indicated by the exhaust towers extending upward from each building:
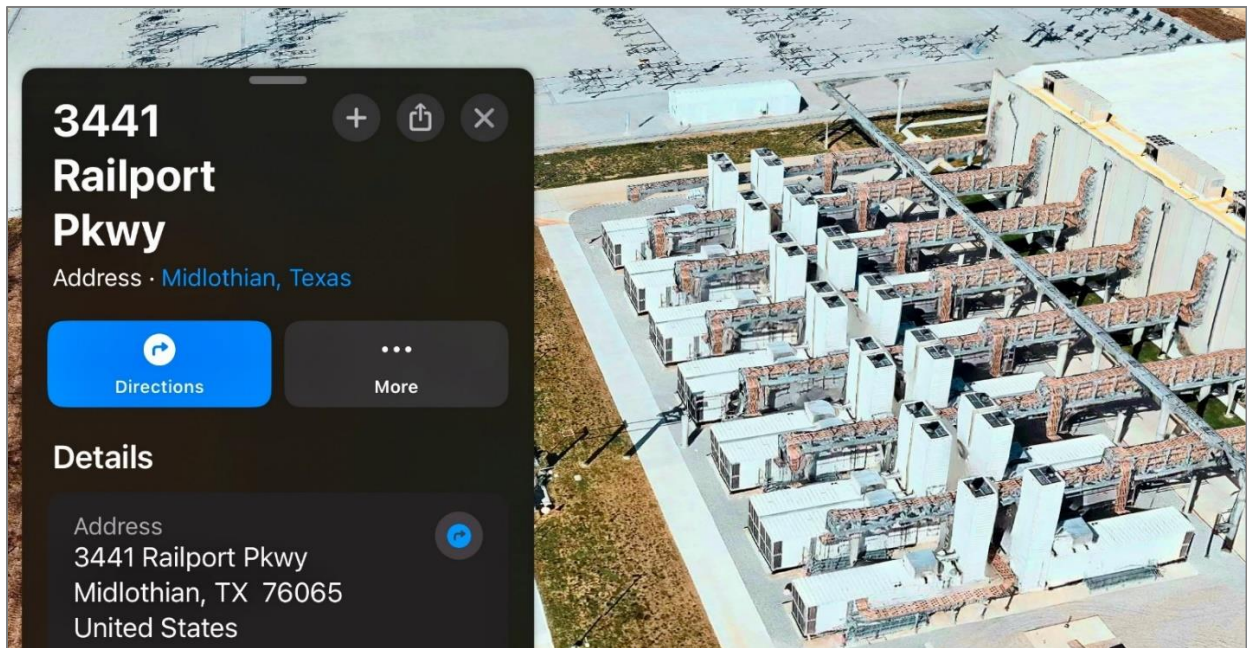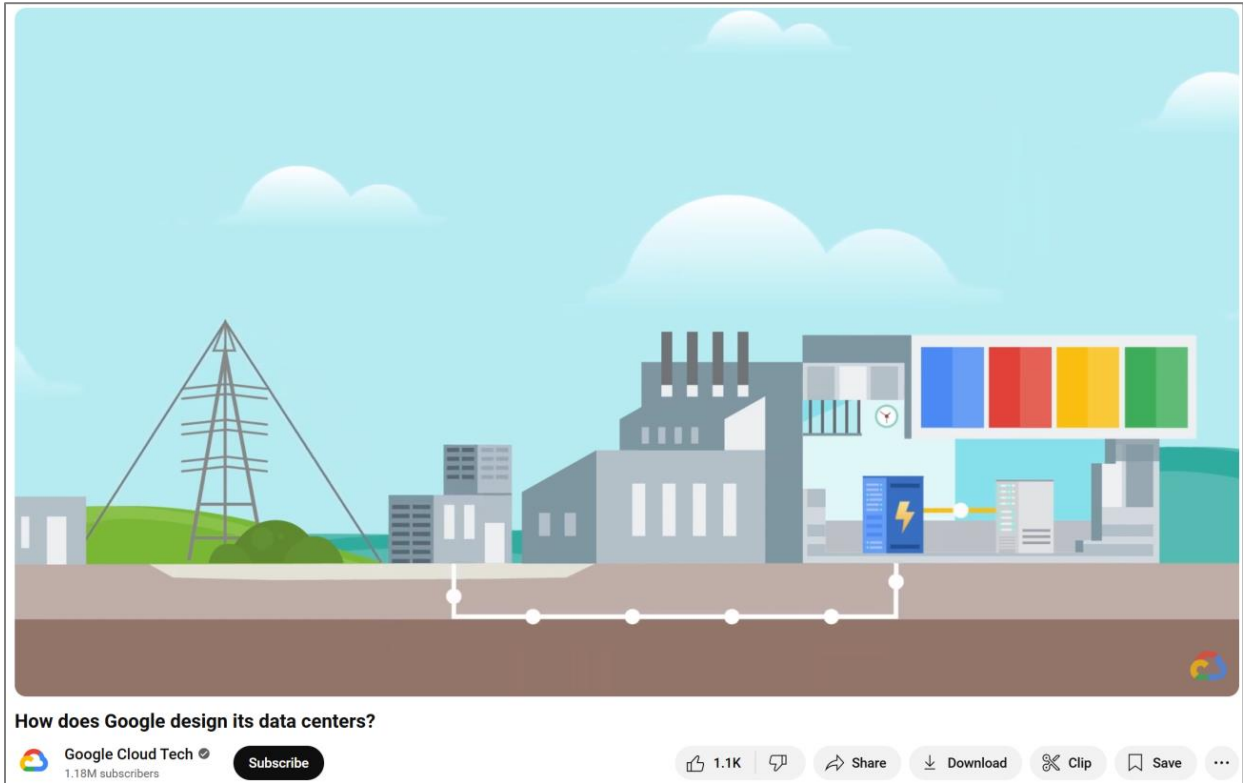

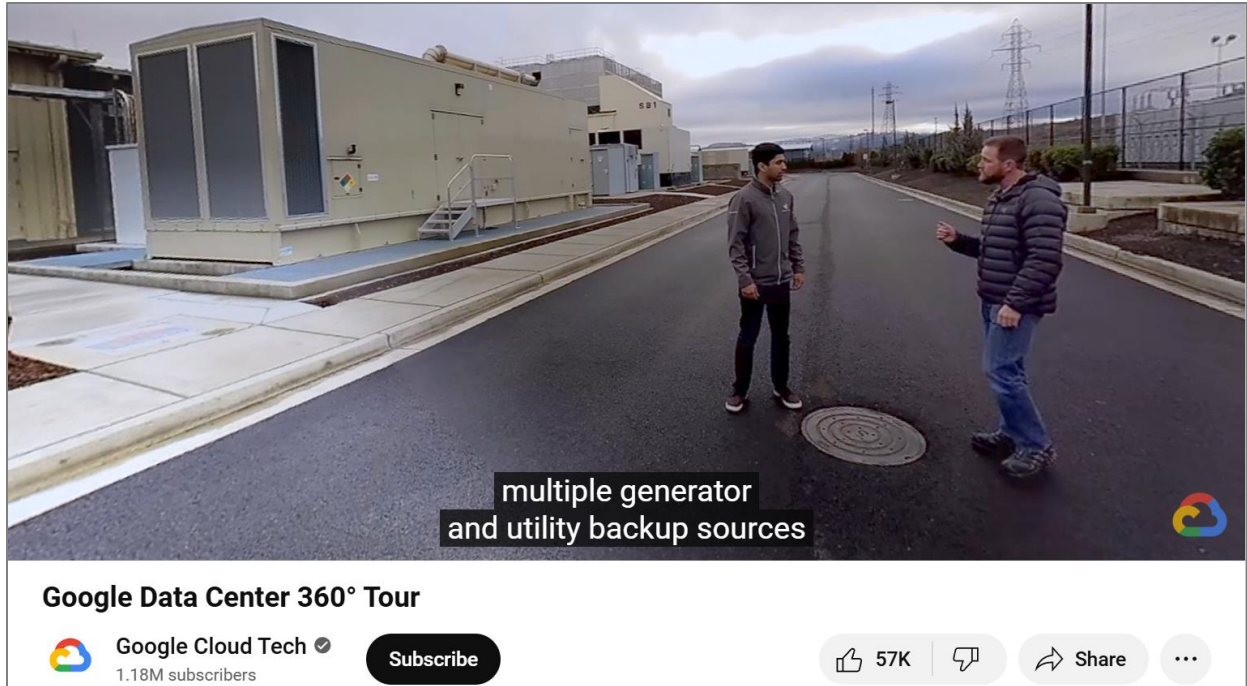Apple Maps, 3D View (last visited Dec. 27, 2024); *see also, e.g.*:
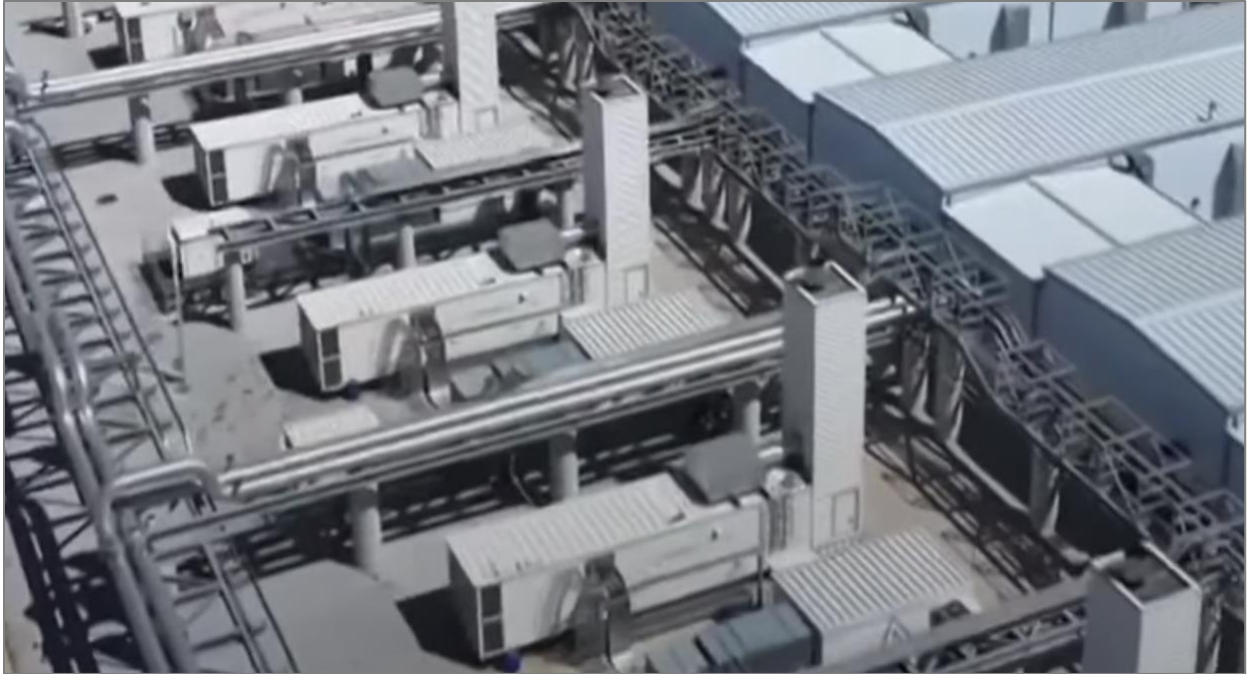
https://youtu.be/2TGL3LMWe54?t=17 (last visited Dec. 27, 2024).

25.   In Google's Midlothian Data Center, for example, the first power supply will issue an alert if its electrical power source fails, which will signal the second power supply to transition to handling the full load. *See, e.g.*, https://cloud.google.com/docs/security/overview/whitepaper (last visited Dec. 27, 2024) ("Powering our data centers. To keep things running 24/7 and provide uninterrupted services, our data centers have redundant power systems and environmental controls. Every critical component has a primary and alternate power source, each with equal power. Backup generators can provide enough emergency electrical power to run each data center at full capacity."); https://www.google.com/about/datacenters/data-security/ (last visited Dec. 27, 2024) ("Our emergency backup generators continue to power our data centers even in the event of a power failure. Our ongoing commitment to business continuity is demonstrated through our data centers being ISO 22301:2019 certified."). For further example, the following YouTube videos published by Google are consistent with the foregoing use of generators in Google data centers. *See, e.g.*, https://www.youtube.com/watch?v=9IZ4qPAL-vA&t=89s (last visited Dec. 27, 2024):

"And, just in case our electric system goes out, we employ a backup energy source to provide redundant power supplies to servers."

https://www.youtube.com/watch?v=zDAYZU4A3w0&t=468s (last visited Dec. 27, 2024):

Google Data Center 360° Tour

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Sandeep: "What happens if a power distribution center loses power?"

Brian: "If it loses power, we have multiple generator and utility backup sources

available to maintain power to those servers."

26.   Additionally, for example, while Google's Midlothian Data Center appears to use

diesel fueled generators, Plaintiffs note that some other Google data centers built in recent years

may potentially be using batteries for power redundancy instead of diesel generators. *See, e.g.*,

https://www.datacenterfrontier.com/featured/article/11428503/google-looks-to-batteries-as-

replacement-for-diesel-generators (last visited Dec. 27, 204) ("Google will use large batteries to

replace the diesel generators at its data center in Belgium, describing the project as a first step

towards using cleaner technologies to provide backup power for millions of servers around the

world."). Google data centers that use batteries as a second power source infringe exemplary claim

1 of the '967 patent in substantially the same manner as that outlined above for the Midlothian

Data Center, just with batteries being substituted as a second source of electrical energy.

27.   As a result of Google's infringement of the '967 Patent, Plaintiffs have been damaged. Plaintiffs are entitled to recover damages sustained as a result of Google's wrongful acts in an amount subject to proof at trial.

28.   In addition, Google's infringing acts and practices have caused and are causing immediate and irreparable harm to Plaintiffs.

29.   Plaintiffs are informed and believe, and thereon allege, that Google's infringement of the '967 Patent is and continues to be willful. As noted above, Google has knowledge of the '967 Patent and its infringement of the '967 Patent. Google continues to infringe in a wanton, malicious, and egregious manner, with reckless disregard for Plaintiffs' patent rights. Thus, Google's infringing actions have been and continue to be consciously wrongful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Google as follows:

A.   That Google has infringed the '967 Patent, and unless enjoined will continue to infringe the '967 Patent;

B.   That Google has willfully infringed the '967 Patent;

C.   That Google pay Plaintiffs damages adequate to compensate Plaintiffs for Google's past infringement of the '967 Patent, and present and future infringement together with interest and costs under 35 U.S.C. § 284;

D.   That Google be ordered to pay prejudgment and post-judgment interest on the damages assessed;

E.   That Google pay Plaintiffs enhanced damages pursuant to 35 U.S.C. § 284;

F.   That Google be ordered to pay supplemental damages to Plaintiffs, including interest, with an accounting, as needed;

G.   That Google be enjoined from infringing the '967 Patent, or if its infringement is not

enjoined, that Google be ordered to pay ongoing royalties to Plaintiffs for any post-

judgment infringement of the '967 Patent;

H.   That this is an exceptional case under 35 U.S.C. § 285, and that Google pay Plaintiffs'

attorneys' fees and costs in this action; and

I.   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 demand a trial by jury

on all issues triable to a jury.

December 27, 2024   Respectfully submitted,

By: */s/ Greg Love*

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