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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
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(14)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*QPRMW*  
HITACHI GLOBAL STORAGE  
TECHNOLOGIES, INC.,

Plaintiff,

v.

SHEA INTEGRATION SOLUTIONS  
CORP.,

Defendant.

Case No. **CV 10-03691**

**COMPLAINT FOR DECLARATORY  
JUDGMENT OF NON-INFRINGEMENT  
AND INVALIDITY OF U.S. PATENT NO.  
7,069,447**

*HRL*

**JURY TRIAL DEMANDED**

1 Plaintiff, Hitachi Global Storage Technologies, Inc. ("Hitachi"), for its Complaint  
2 against Defendant, Shea Integration Solutions Corp. ("Shea"), alleges as follows:

3 **THE PARTIES AND THE NATURE OF THIS ACTION**

4 1. Plaintiff Hitachi is a Delaware corporation with its headquarters and  
5 principal place of business at 3403 Yerba Buena Road, San Jose, California 95315.

6 2. On information and belief, Defendant Shea is an Arizona corporation with  
7 its headquarters and principal place of business in Scottsdale, Arizona. Shea purports to have the  
8 right to enforce the '447 patent. On information and belief, at the time the application for the  
9 '447 patent was filed, and when the '447 patent issued, Shea was a California corporation with its  
10 headquarters in Huntington Beach, California.

11 3. This is an action for a declaratory judgment of non-infringement and  
12 invalidity of U.S. Patent No. 7,069,447 ("the '447 patent").

13 **JURISDICTION AND VENUE**

14 4. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201  
15 *et seq.* and under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court has  
16 jurisdiction over this action pursuant to 35 U.S.C. § 282, and 28 U.S.C. §§ 1331, 1338(a), and  
17 2201-2202.

18 5. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b)  
19 because a substantial part of the events giving rise to the claims at issue occurred in this district.

20 6. This Court has personal jurisdiction over Shea.

21 **INTRADISTRICT ASSIGNMENT**

22 7. This case is an intellectual property action under Civil Local Rule 3-2(c).  
23 Accordingly, it should be assigned on a district-wide basis.

24 **BACKGROUND**

25 8. The '447 patent, entitled "Apparatus and Method for Secure Data Storage,"  
26 issued on June 27, 2006. The '447 patent identifies Rodney Corder as its sole inventor.  
27 Documents filed with the U.S. Patent Office purport to identify Corder Engineering, Inc. as the  
28 assignee of the '447 patent. A true and correct copy of the '447 patent is attached as Exhibit A.

1           9.     In a letter dated February 16, 2010, which was directed to Hitachi's  
2     headquarters in San Jose, California, an attorney purporting to "represent Shea Integration  
3     Solutions Corp. in connection with its program of enforcing and licensing U.S. Patent No.  
4     7,069,447" alleged that Hitachi's Bulk Data Encryption products "fall within the scope of  
5     multiple '447 patent claims." The letter further asserts that Shea "is considering all options  
6     regarding enforcement of the '447 patent." A true and correct copy of this letter is attached as  
7     Exhibit B.

8           10.    As noted in handwriting on the February 16, 2010 letter, Hitachi was  
9     contacted at its San Jose headquarters by another representative of Shea on March 31, 2010. In  
10    this call, Shea's representative sought to induce Hitachi to take a license to the '447 patent.

11          11.    On August 18, 2010, representatives of Hitachi met with representatives of  
12    Shea at Hitachi's headquarters in San Jose, California. During this meeting, Shea's  
13    representatives asserted that Shea has the right to enforce the '447 patent and that Hitachi's Bulk  
14    Data Encryption products infringe multiple claims of the '447 patent.

15                   **CLAIM FOR DECLARATORY JUDGMENT**

16          12.    The allegations of paragraphs 1-11 are incorporated herein by reference.

17          13.    Shea has asserted to Hitachi that it has the right to enforce the '447 patent.  
18    Shea has further asserted that certain of Hitachi's products, specifically its Bulk Data Encryption  
19    products, infringe "multiple claims" of the '447 patent and that Shea is considering enforcement  
20    of the '447 patent against Hitachi.

21          14.    Hitachi has not infringed, and is not infringing, either directly or indirectly  
22    under section 271, any claim of the '447 patent. Hitachi's products, including its Bulk Data  
23    Encryption products, used alone or in combination with other devices or methods, do not practice  
24    any claim of the '447 patent.

25          15.    One or more claims of the '447 patent is invalid for failure to meet the  
26    conditions of patentability of 35 U.S.C. § 101 et seq., including without limitation those of  
27    sections 102, 103, and 112.

28          16.    An actual and justiciable controversy exists between Hitachi and Shea as to

1 whether the '447 patent is infringed by Hitachi, whether its products, used alone or in  
2 combination, practice the claims of the '447 patent, and whether the '447 patent claims are valid.  
3 A judicial declaration is necessary and appropriate so that Hitachi may ascertain its rights  
4 regarding the '447 patent.

5 17. This case is exceptional and, pursuant to 35 U.S.C. § 285, Hitachi is  
6 entitled to an award of attorneys' fees.

7 **PRAYER FOR RELIEF**

8 Wherefore, Hitachi respectfully requests that judgment be entered in its favor and  
9 prays that the Court grant the following relief:

10 A. A declaration that Hitachi has not infringed and does not infringe, either  
11 directly or indirectly, any claim of the '447 patent, and that Hitachi's products, including its Bulk  
12 Data Encryption products, do not, whether used alone or in combination with other methods or  
13 devices, practice any claim of the '447 patent;

14 B. A declaration that the claims of the '447 patent are invalid;

15 C. An order enjoining Shea, its officers, directors, agents, counsel, servants,  
16 employees, and all persons in active concert or participation with any of them, from alleging,  
17 representing, or otherwise stating that Hitachi infringes the '447 patent or that its products  
18 practices any claim of the '447 patent, or from charging infringement or instituting any action of  
19 infringement of the '447 patent by Hitachi, its products, or the use of its products;

20 D. An order declaring that Hitachi is the prevailing party and that this is an  
21 exceptional case under 35 U.S.C. § 285, and awarding Hitachi its reasonable attorneys fees,  
22 expenses, and costs in this action; and

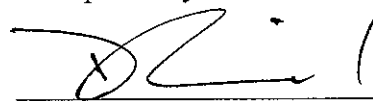
23 E. Such other relief as this Court may deem just and proper.

24 **DEMAND FOR JURY TRIAL**

25 Pursuant to Federal Rule of Civil Procedure 38(b) and Northern District of  
26 California Rule 3-6(a), Hitachi respectfully requests a jury trial on all issues so triable.  
27  
28

1 Dated: August 20, 2010

Respectfully submitted



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