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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@portfoliomediamedia.com

Fujitsu Reaches Deal In Acqis Blade Server IP Spat

By **Liz McKenzie**

Law360, New York (June 15, 2010) -- Fujitsu Computer Systems Corp. has become the latest defendant to settle Acqis LLC's suit accusing nearly a dozen companies of infringing several patents for blade server technology.

Fujitsu and Acqis submitted a joint stipulation of dismissal in the U.S. District Court for the Eastern District of Texas on Monday. An attorney for Fujitsu confirmed that a settlement had been reached, but declined to offer further details.

Each side will cover its own costs and attorneys' fees, according to the motion. Attorneys for Acqis could not immediately be reached for comment.

Acqis has already cut deals with several other defendants in the suit.

ClearCube Technology Inc. exited the lawsuit in April, and Nex Computers Inc. and Appro International Inc. resolved Acqis' patent claims in December.

Like Fujitsu, those defendants agreed to bear their own costs and expenses, including attorneys' fees.

Hitachi America Ltd. became the first to settle on Oct. 26, when the court signed off on the parties' joint stipulation for dismissal with prejudice.

Texas-based Acqis hit 11 technology companies — including Hewlett-Packard Co., IBM Corp. and Dell Inc. — with infringement allegations in April 2009, claiming their blade server products infringe seven patents issued to Acqis founder William W.Y. Chu and assigned to the plaintiff between 2004 and 2008.

Acqis also asserted an eighth patent — U.S. Patent Number 6,216,185, issued in 2001 and

titled "Personal computer peripheral console with attached computer module" — against only HP, IBM and ClearCube.

The plaintiff has requested an injunction barring further infringement, as well as unspecified damages.

Acqis was founded in 1998 and developed the iMod, a portable device on which users could save all their computing data, according to the company.

The company introduced the product in 2000 and sold it for several years before "deciding to focus on intellectual property licensing," it said.

A blade server houses multiple thin, modular electronic circuit boards that contain processors, memory and other computer components, and they are designed to reduce power consumption and cable use compared with traditional servers, according to Acqis.

Industry giants HP, Dell and IBM, as well as fellow manufacturers NEC Corp. of America, Sun Microsystems Inc. and Super Micro Computer Inc., remain as defendants in the suit.

The companies have denied Acqis' allegations and asked the court in separate answers to the complaint to enter declaratory judgments of noninfringement and invalidity of the asserted patents.

The patents-in-suit are U.S. Patent Numbers 6,216,185; 6,718,415; 7,099,981; 7,146,446; 7,328,297; 7,363,415; 7,363,416; and 7,376,779.

Acqis is represented by Cooley Godward Kronish LLP and Chandler Law Offices.

Fujitsu is represented by Buether Joe & Carpenter LLC.

The case is Acqis LLC v. Appro International Inc. et al., case number 09-cv-00148, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Allison Grande

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