UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

NETGEAR, INC.,

Defendant.

Case No. 6:17-cv-125

COMPLAINT FOR PATENT INFRINGEMENT AGAINST NETGEAR, INC.

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Realtime Data LLC d/b/a IXO ("Plaintiff," "Realtime," or "IXO") makes the following allegations against Defendant Netgear, Inc. ("Netgear"):

PARTIES

1. Realtime is a limited liability company organized under the laws of the State of New York. Realtime has places of business at 5851 Legacy Circle, Plano, Texas 75024, 1828 E.S.E. Loop 323, Tyler, Texas 75701, and 66 Palmer Avenue, Suite 27, Bronxville, NY 10708. Realtime has been registered to do business in Texas since May 2011. Since the 1990s, Realtime has researched and developed specific solutions for data compression, including, for example, those that increase the speeds at which data can be stored and accessed. As recognition of its innovations rooted in this technological field, Realtime holds 47 United States patents and has numerous pending patent applications. Realtime has licensed patents in this portfolio to many of the world's leading technology companies. The patents-in-suit relate to Realtime's development of advanced systems and methods for fast and efficient data compression using numerous innovative compression techniques based on, for example, particular attributes of the data.

2. On information and belief, Defendant Netgear, Inc. ("Netgear") is a Delaware corporation with its principal place of business at 350 E. Plumeria Drive, San Jose, CA 95134. On information and belief, Netgear can be served through its registered agent, Incorporating Services, Ltd., 3500 S Dupont Hwy, Dover, DE 19901.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant Netgear in this action because Netgear has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Netgear would not offend traditional notions of fair play and substantial justice. Netgear, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Upon information and belief, Netgear has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 9,054,728

6. Plaintiff realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,054,728 ("the '728 patent") entitled "Data compression systems and methods." The

‘728 patent was duly and legally issued by the United States Patent and Trademark Office on June 9, 2015. A true and correct copy of the ‘728 Patent is included as Exhibit A.

8. On information and belief, Netgear has offered for sale, sold and/or imported into the United States Netgear products that infringe the ‘728 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Netgear’s products and services, e.g., ReadyDATA RD5200, RDD516, ReadyRECOVER, and all versions and variations thereof since the issuance of the ‘728 patent (“Accused Instrumentality”).

9. On information and belief, Netgear has directly infringed and continues to infringe the ‘728 patent, for example, through its own use and testing of the Accused Instrumentality, which constitute systems for compressing data claimed by Claim 1 of the ‘728 patent, comprising a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Upon information and belief, Netgear uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Netgear’s customers.

10. On information and belief, Netgear has had knowledge of the ‘728 patent since at least the filing of this Complaint or shortly thereafter, and on information and

belief, Netgear knew of the '728 patent and knew of its infringement, including by way of this lawsuit.

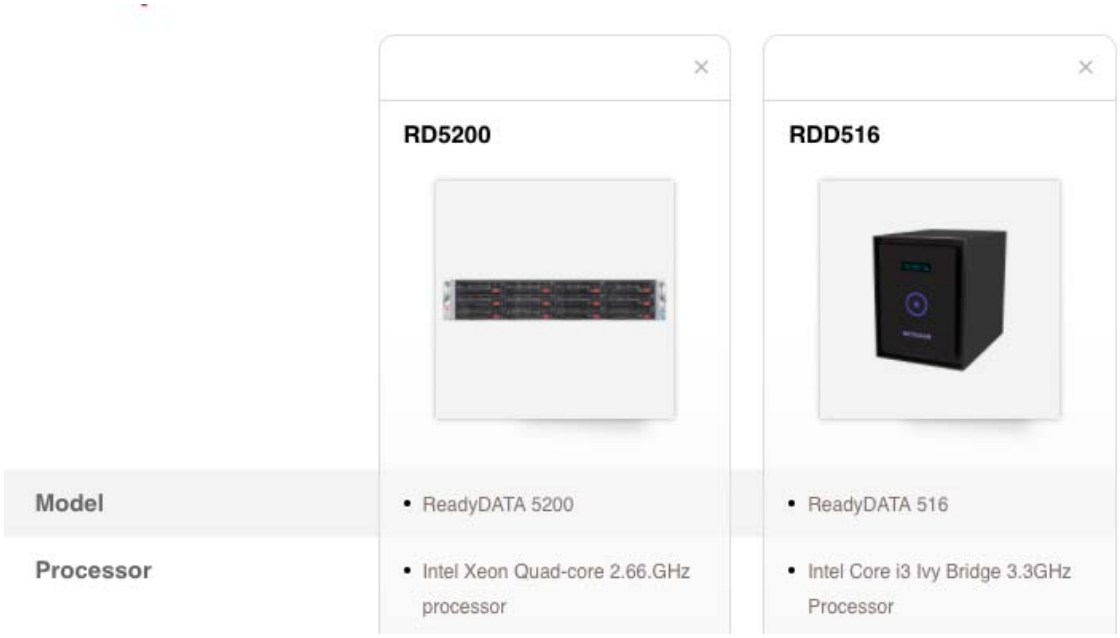
11. Netgear's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentality has induced and continues to induce users of the Accused Instrumentality to use the Accused Instrumentality in its normal and customary way on compatible systems to infringe the '728 patent, knowing that when the Accused Instrumentality is used in its ordinary and customary manner with such compatible systems, such systems constitute infringing systems for compressing data comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. For example, Netgear explains to customers the benefits of using the Accused Instrumentality: "High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved." See, e.g., https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features. NetApp further explains, "Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique

technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time." *See, e.g.*, https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS. Netgear specifically intended and was aware that the normal and customary use of the Accused Instrumentality on compatible systems would infringe the '728 patent. Netgear performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '728 patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Netgear engaged in such inducement to promote the sales of the Accused Instrumentality, *e.g.*, through Netgear's user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '728 patent. Accordingly, Netgear has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '728 patent, knowing that such use of the Accused Instrumentality with compatible systems will result in infringement of the '728 patent.

12. Netgear also indirectly infringes the '728 patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '728 patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality is designed to function with compatible hardware to create systems for

compressing data comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Because the Accused Instrumentality is designed to operate as the claimed system for compressing input data, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Netgear's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '728 patent.

13. The Accused Instrumentality is a system for compressing data, comprising a processor. For example, the Accused Instrumentality contains an Intel processor. See, e.g., https://www.netgear.com/compare.aspx?cid=wmt_netgear_organic:



14. The Accused Instrumentality is a system for compressing data, comprising one or more content dependent data compression encoders. For example, the Accused Instrumentality performs deduplication, which is a content dependent data compression encoder. Performing deduplication results in transmitting and storing fewer bits to represent a data set. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level

Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

15. The Accused Instrumentality comprises a single data compression encoder. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("Thin provisioning, compression and deduplication of both block (SAN) and file data (NAS)"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

16. The Accused Instrumentality analyzes data within a data block to identify one or more parameters or attributes of the data, for example, whether the data is duplicative of data previously stored, where the analysis does not rely only on the descriptor. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage:

Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

17. The Accused Instrumentality performs content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified. For example, when the Accused Instrumentality performs deduplication, it does not store data previously stored. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level

Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

18. The Accused Instrumentality performs data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

19. Netgear also infringes other claims of the '728 patent, directly and through inducing infringement and contributory infringement, for similar reasons as explained above with respect to Claim 1 of the '728 patent.

20. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentality, and touting the benefits of using the Accused Instrumentality's compression features, Netgear has injured Realtime and is liable to Realtime for infringement of the '728 patent pursuant to 35 U.S.C. § 271.

21. As a result of Netgear's infringement of the '728 patent, Plaintiff Realtime

is entitled to monetary damages in an amount adequate to compensate for Netgear's infringement, but in no event less than a reasonable royalty for the use made of the invention by Netgear, together with interest and costs as fixed by the Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,415,530

22. Plaintiff realleges and incorporates by reference paragraphs 1-21 above, as if fully set forth herein.

23. Plaintiff Realtime is the owner by assignment of United States Patent No. 7,415,530 ("the '530 patent") entitled "System and methods for accelerated data storage and retrieval." The '530 patent was duly and legally issued by the United States Patent and Trademark Office on August 19, 2008. A true and correct copy of the '530 patent is included as Exhibit B.

24. On information and belief, Netgear has offered for sale, sold and/or imported into the United States Netgear products that infringe the '530 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Netgear's products and services, e.g., ReadyDATA RD5200, RDD516, ReadyRECOVER, and all versions and variations thereof since the issuance of the '530 patent ("Accused Instrumentality").

25. On information and belief, Netgear has directly infringed and continues to infringe the '530 patent, for example, through its own use and testing of the Accused Instrumentality, which constitutes a system comprising: a memory device; and a data accelerator, wherein said data accelerator is coupled to said memory device, a data stream is received by said data accelerator in received form, said data stream includes a first data block and a second data block, said data stream is compressed by said data accelerator to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique,

said first and second compression techniques are different, said compressed data stream is stored on said memory device, said compression and storage occurs faster than said data stream is able to be stored on said memory device in said received form, a first data descriptor is stored on said memory device indicative of said first compression technique, and said first descriptor is utilized to decompress the portion of said compressed data stream associated with said first data block. Upon information and belief, Netgear uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Netgear's customers.

26. On information and belief, Netgear has had knowledge of the '530 patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Netgear knew of the '530 patent and knew of its infringement, including by way of this lawsuit.

27. Upon information and belief, Netgear's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 1 of the '530 patent by making or using a system comprising: a memory device; and a data accelerator, wherein said data accelerator is coupled to said memory device, a data stream is received by said data accelerator in received form, said data stream includes a first data block and a second data block, said data stream is compressed by said data accelerator to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique, said first and second compression techniques are different, said compressed data stream is stored on said memory device, said compression and storage occurs faster than said data stream is able to be stored on said memory device in

said received form, a first data descriptor is stored on said memory device indicative of said first compression technique, and said first descriptor is utilized to decompress the portion of said compressed data stream associated with said first data block. For example, Netgear explains to customers the benefits of using the Accused Instrumentality: "High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved." See, e.g., https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features. NetApp further explains, "Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time." *See, e.g.*, https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS. For similar reasons, Netgear also induces its customers to use the Accused Instrumentalities to infringe other claims of the '530 patent. Netgear specifically intended and was aware that these normal and customary activities would infringe the '530 patent. Netgear performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '530 patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Netgear engaged in such inducement

to promote the sales of the Accused Instrumentalities. Accordingly, Netgear has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '530 patent, knowing that such use constitutes infringement of the '530 patent.

28. The Accused Instrumentality evidently includes the memory device and includes the data accelerator, wherein said data accelerator is coupled to said memory device. For example, the Accused Instrumentality contains a memory device. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/RD5200.aspx#tab-techspecs?cid=wmt_netgear_organic ("16 GB ECC Memory … 3.5" SATA/SSD, SSD Caching");
https://www.netgear.com/business/products/storage/readydata/RDD516.aspx#tab-techspecs?cid=wmt_netgear_organic ("16 GB ECC Memory … 3.5" SATA/SSD, SSD Caching").

29. The Accused Instrumentality receives an incoming stream of data. *See, e.g.*,
http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("With a maximum capacity of 240TB and the dramatic performance boost that comes from storage tiering of SSD, SAS and SATA drives, ReadyDATA redefines the concept of storage");
https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("ReadyRECOVER is a complete backup and recovery appliance designed for small and mid-sized businesses. Next-generation file system technology guarantees data integrity, efficient use of storage capacity and minimal impact to computing resources. With ReadyRECOVER, full backups are created every 15 minutes.").

30. The Accused Instrumentality's received data stream will evidently consist

of more than one data block. *See, e.g.*, http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("With a maximum capacity of 240TB and the dramatic performance boost that comes from storage tiering of SSD, SAS and SATA drives, ReadyDATA redefines the concept of storage"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("ReadyRECOVER is a complete backup and recovery appliance designed for small and mid-sized businesses. Next-generation file system technology guarantees data integrity, efficient use of storage capacity and minimal impact to computing resources. With ReadyRECOVER, full backups are created every 15 minutes.").

31. The Accused Instrumentality compresses said data stream to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("Thin provisioning, compression and deduplication of both block (SAN) and file data (NAS)"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite.

These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

32. The first (deduplication) and second (compression) compression techniques used by the Accused Instrumentality described above are necessarily different. *See, e.g.,* https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("Thin provisioning, compression and deduplication of both block (SAN) and file data (NAS)"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

33. After compression, said compressed data stream is stored on said memory device. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

34. Said compression and storage occurs faster than said data stream is able to be stored on said memory device in said received form. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite.

These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

35. The Accused Instrumentality would evidently store a first data descriptor on said memory device indicative of said first compression technique, and utilize said first descriptor to decompress the portion of said compressed data stream associated with said first data block. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

36. On information and belief, Netgear also infringes, directly and through induced infringement, and continues to infringe other claims of the '530 patent, for similar reasons as explained above with respect to Claim 1 of the '530 patent.

37. On information and belief, use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the methods claimed by the '530 patent.

38. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Netgear has injured Realtime and is liable to Realtime for infringement of the '530 patent pursuant to 35 U.S.C. § 271.

39. As a result of Netgear's infringement of the '530 patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Netgear's infringement, but in no event less than a reasonable royalty for the use made of the invention by Netgear, together with interest and costs as fixed by the Court.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 9,116,908

40. Plaintiff Realtime realleges and incorporates by reference paragraphs 1-39 above, as if fully set forth herein.

41. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,116,908 ("the '908 Patent") entitled "System and methods for accelerated data storage and retrieval." The '908 Patent was duly and legally issued by the United States Patent and Trademark Office on August 25, 2015. A true and correct copy of the '908 Patent is included as Exhibit C.

42. On information and belief, Netgear has offered for sale, sold and/or imported into the United States Netgear products that infringe the '908 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Netgear's products and services, e.g., ReadyDATA RD5200, RDD516, ReadyRECOVER, and all versions and variations thereof since the issuance of the '908 patent ("Accused Instrumentality").

43. On information and belief, Netgear has directly infringed and continues to infringe the '908 patent, for example, through its own use and testing of the Accused Instrumentality, which constitutes a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. Upon information and belief, Netgear uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Netgear's customers.

44. On information and belief, use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the systems claimed by the '908 patent.

45. On information and belief, Netgear has had knowledge of the '908 patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Netgear knew of the '908 patent and knew of its infringement, including by way of this lawsuit.

46. Upon information and belief, Netgear's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 1 of the '908 patent by making or using a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second

data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. For example, Netgear explains to customers the benefits of using the Accused Instrumentality: "High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved." See, e.g., https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features. NetApp further explains, "Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time." *See, e.g.*, https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS. For similar reasons, Netgear also induces its customers to use the Accused Instrumentalities to infringe other claims of the '908 patent. Netgear specifically intended and was aware that these normal and customary activities would infringe the '908 patent. Netgear performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '908 patent and with the knowledge, or willful blindness to the probability, that the induced acts would

constitute infringement. On information and belief, Netgear engaged in such inducement to promote the sales of the Accused Instrumentalities. Accordingly, Netgear has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '908 patent, knowing that such use constitutes infringement of the '908 patent.

47. The Accused Instrumentality evidently includes a memory device and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block. For example, the Accused Instrumentality contains a memory device. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/RD5200.aspx#tab-techspecs?cid=wmt_netgear_organic ("16 GB ECC Memory … 3.5" SATA/SSD, SSD Caching");

https://www.netgear.com/business/products/storage/readydata/RDD516.aspx#tab-techspecs?cid=wmt_netgear_organic ("16 GB ECC Memory … 3.5" SATA/SSD, SSD Caching"). Moreover, by reducing the amount of data transferred, the Accused Instrumentality inherently accelerates the movements of data. The Accused Instrumentality compresses (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written,

redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("Thin provisioning, compression and deduplication of both block (SAN) and file data (NAS)"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

48. The Accused Instrumentality stores the compressed first and second data blocks on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); http://www.downloads.netgear.com/files/GDC/datasheet/en/RD5200.pdf?cid=wmt_netgear_organic ("Thin provisioning, compression and deduplication of both block (SAN) and file data (NAS)"); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15S

ep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

49. On information and belief, Netgear also infringes, directly and through induced infringement, and continues to infringe other claims of the '908 patent, for similar reasons as explained above with respect to Claim 1 of the '908 patent.

50. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Netgear has injured Realtime and is liable to Realtime for infringement of the '908 patent pursuant to 35 U.S.C. § 271.

51. As a result of Netgear's infringement of the '908 patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Netgear's infringement, but in no event less than a reasonable royalty for the use made of the invention by Netgear, together with interest and costs as fixed by the Court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 8,717,204

52. Plaintiff realleges and incorporates by reference paragraphs 1-51 above, as if fully set forth herein.

53. Plaintiff Realtime is the owner by assignment of United States Patent No. 8,717,204 entitled "Methods for encoding and decoding data." The '204 patent was duly and legally issued by the United States Patent and Trademark Office on May 6, 2014. A

true and correct copy of the ‘204 Patent is included as Exhibit D.

54. On information and belief, Netgear has offered for sale, sold and/or imported into the United States Netgear products that infringe the ‘204 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Netgear’s products and services, e.g., ReadyDATA RD5200, RDD516, ReadyRECOVER, and all versions and variations thereof since the issuance of the ‘204 patent (“Accused Instrumentality”).

55. On information and belief, NetGear has directly infringed and continues to infringe the ‘204 patent, for example, through its own use and testing of the accused products to practice compression methods claimed by the ‘204 patent, including a method for processing data, the data residing in data fields, comprising: recognizing any characteristic, attribute, or parameter of the data; selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data; compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1; and point-to-point transmitting the compressed data to a client; wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. On information and belief, NetGear uses the Accused Instrumentality in its ordinary and customary fashion for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to NetGear’s customers, and use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the methods claimed by the ‘204 patent.

56. On information and belief, NetGear has had knowledge of the ‘204 patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, NetGear knew of the ‘204 patent and knew of its infringement, including by way of this lawsuit.

57. NetGear's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentality have induced and continue to induce users of the Accused Instrumentality to use the Accused Instrumentality in its normal and customary way to infringe the '204 patent by practicing compression methods claimed by the '204 patent, including a method for processing data, the data residing in data fields, comprising: recognizing any characteristic, attribute, or parameter of the data; selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data; compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1; and point-to-point transmitting the compressed data to a client; wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. For example, Netgear explains to customers the benefits of using the Accused Instrumentality: "High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved." See, e.g., https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features. NetApp further explains, "Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time." *See, e.g.*,

https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS. Netgear specifically intended and was aware that the normal and customary use of the Accused Instrumentality on compatible systems would infringe the '204 patent. Netgear performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '204 patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Netgear engaged in such inducement to promote the sales of the Accused Instrumentality, *e.g.*, through Netgear's user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '204 patent. Accordingly, Netgear has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '204 patent, knowing that such use of the Accused Instrumentality with compatible systems will result in infringement of the '204 patent.

58. The Accused Instrumentality practices a method for processing data, the data residing in data fields. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level

Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

59. The Accused Instrumentality recognizes any characteristic, attribute, or parameter of the data. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

60. The Accused Instrumentality selects an encoder associated with the recognized characteristic, attribute, or parameter of the data. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking

backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption.").

61. Upon information and belief, the Accused Instrumentality compresses the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline

Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

62. The Accused Instrumentality point-to-point transmits the compressed data to a client. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

63. In the Accused Instrumentality, the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. *See, e.g.*, https://www.netgear.com/business/products/storage/readydata/readydata-series.aspx?cid=wmt_netgear_organic#tab-features ("High-Efficiency Storage: Efficiently managing rampant data growth is a vexing challenge. ReadyDATA smartly reduces storage capacity requirements with deduplication and compression. By shrinking

backup data and removing globally common blocks of data as they are written, redundancy is eliminated from multiple backup jobs, and valuable capacity is saved."); https://www.netgear.com/images/pdf/ReadyRECOVER_SolBrief_StorageEfficiency_15Sep14.pdf?cid=ambReadyNAS ("Block-level Deduplication & Inline Compression Savings: ReadyRECOVER employs a unique technique to deliver storage efficiency that saves space on disk and reduces bandwidth consumption when replicating backups offsite. These efficiencies are delivered by three complementary techniques: … 2. Block-level Deduplication: When each full backup image is written, common blocks from previous backups are not stored twice. Because only unique blocks are written, many independent full backup images can be stored, while minimizing capacity consumption. 3. Inline Compression: As data is written to ReadyDATA, it is compressed and checksummed in real-time.").

64. On information and belief, NetGear also infringes, directly and through induced infringement, and continues to infringe other claims of the '204 patent, for similar reasons as explained above with respect to Claim 12 of the '204 patent.

65. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, NetGear has injured Realtime and is liable to Realtime for infringement of the '204 patent pursuant to 35 U.S.C. § 271.

66. As a result of NetGear's infringement of the '204 patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for NetGear's infringement, but in no event less than a reasonable royalty for the use made of the invention by NetGear, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Realtime respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Netgear has infringed, either literally and/or under the doctrine of equivalents, the '728 patent, the '530 patent, the '908 patent,

and the ‘204 patent;

b. A permanent injunction prohibiting Netgear from further acts of infringement of the ‘728 patent, the ‘530 patent, the ‘908 patent, and the ‘204 patent;

c. A judgment and order requiring Netgear to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the ‘728 patent, the ‘530 patent, the ‘908 patent, and the ‘204 patent; and

d. A judgment and order requiring Netgear to provide an accounting and to pay supplemental damages to Realtime, including without limitation, prejudgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees against Defendants; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: February 27, 17

Respectfully submitted,

/s/ Marc A. Fenster by permission Andrea Fair

Marc A. Fenster (CA SBN 181067)
LEAD ATTORNEY
Reza Mirzaie (CA SBN 246953)
Brian D. Ledahl (CA SBN 186579)
Jeffrey Z.Y. Liao (CA SBN 288994)
C. Jay Chung (CA SBN 252794)
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474

mfenster@raklaw.com
rmirzaie@raklaw.com
bledahl@raklaw.com
jliao@raklaw.com
jchung@raklaw.com

T. John Ward, Jr.
Texas State Bar No. 00794818
E-mail: jw@wsfirm.com
Claire Abernathy Henry
Texas State Bar No. 24053063
E-mail: claire@wsfirm.com
Andrea Fair
State Bar No. 24078488
E-mail: Andrea@wsfirm.com
WARD, SMITH & HILL, PLLC
PO Box 1231
Longview, Texas 75606-1231
(903) 757-6400 (telephone)
(903) 757-2323 (facsimile)

Attorneys for Plaintiff
Realtime Data LLC d/b/a IXO