

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CheckSum Ventures, LLC,

Plaintiff,

v.

Jungle Disk, LLC,

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CheckSum Ventures LLC (“CheckSum”), through its attorney, complains of Jungle Disk, LLC (“Jungle Disk”), and alleges the following:

PARTIES

1. Plaintiff CheckSum Ventures LLC is a corporation organized and existing under the laws of Michigan that maintains its principal place of business at 29108 Lorie Ln, Wixom, MI 48393.
2. Defendant Jungle Disk, LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 110 E. Houston St., Ste. 209, San Antonio, TX 78205.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Jungle Disk because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Jungle Disk provides its full range of services to residents in this District. As described below, Jungle Disk has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Jungle Disk has committed acts of patent infringement in this District, has a regular and established place of business in this District and is incorporated in the state of Delaware. Specifically, Jungle Disk provides its full range of services to residents in this District. In addition, CheckSum has suffered harm in this district.

PATENT-IN-SUIT

7. CheckSum is the assignee of assignee of all right, title and interest in United States Patent No. 8,301,906 (the “’906 Patent” or the “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, CheckSum possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Jungle Disk.

The ’906 Patent

8. On October 30, 2012, the United States Patent and Trademark Office issued the ’906 Patent. The ’906 Patent is titled “Apparatus for Writing Information on a Data Content on a Storage Medium.” The application leading to the ’906 Patent was filed on July 27, 2007 and is a national stage entry and continuation of the PCT application PCT/EP2007/003658 filed on April 25, 2007. A true and correct copy of the ’906 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '906 Patent is valid and enforceable.
10. The invention in the '906 Patent provides an apparatus for storing a checksum over each file that is recorded on an optical disc in a file system independent way. Ex. A at 2:37-38.
11. The inventors recognized that there was a need for storing data allowing users to verify an origin of the data and its integrity. *Id.* at 1:30-36.

COUNT I: INFRINGEMENT OF THE '906 PATENT

12. CheckSum incorporates the above paragraphs herein by reference.
13. **Direct Infringement.** Jungle Disk has been and continues to directly infringe at least claim 1 of the '906 Patent in this District and elsewhere in the United States by providing products, for example, Jungle Disk's platform, through Jungle Disk and/or its customers, causes the storage solution to write checksum information (using an MD5 hash as a checksum) for stored content on the platform. The checksum is calculated and written to check each file's data and verify if the data has changed. *See* Figure 1; <http://jungle435.rssing.com/channel/5566931/latest.php>.

- ❑ **Modified Date of the file when it was last synced**
- ❑ For the files have have been identified after the comparisons in the database for the folder that has 'updated', Jungle Disk then checks each file's data (using an MD5 hash as a sort of checksum) to verify if the data of the file has changed.
- ❑ **"New" files that have the same MD5 hash value that they did when they were last synced are now skipped.**
- ❑ **The remaining files are then uploaded/downloaded to bring the online folder and the local folder in sync with one another.**

Figure 1. Jungle Disk's platform Jungle Disk and/or its customers cause the storage solution to write checksum information (using an MD5 hash as a checksum) for stored content on the platform. The checksum is calculated and written to check each file's data and verify if the data has changed.

14. Jungle Disk's device has a provider for providing checksum information based on a data content. For example, Jungle Disk's platform, through Jungle Disk and/or its customers, causes the storage solution to write checksum information (using an MD5 hash as a

checksum) for stored content on the platform. The checksum is calculated and written for at least the purposes of checking each file's data to verify if the data has changed. *See* Figure 1.

15. Jungle Disk's device has a writer for writing the data content, the checksum information and control information on a physical or logical location of the checksum information on the storage medium, such that a baseline reader and an enhanced reader can read the data content, the enhanced reader can read and process the control information and the checksum information, and the baseline reader ignores, skips or does not read the checksum information. For example, when the storage system is being updated with possible new data, Jungle Disk's platform calculates one or more hash values for the file's contents. If the MD5 hash value is one that matches any of the MD5 hash values corresponding to files already stored on the storage, then no syncing is required; new files that have the same MD5 hash value that they did when they were last synced are now skipped. *See* Figure 1.

16. **Induced Infringement.** Jungle Disk has also actively induced, and continues to induce, the infringement of at least claim 1 of the '906 Patent by actively inducing its customers, including merchants and end-users to use Jungle Disk's products in an infringing manner as described above. Upon information and belief, Jungle Disk has specifically intended that its customers use its products that infringe at least claim 1 of the '906 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '906 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '906 Patent is accomplished by Jungle Disk and Jungle Disk's customer jointly, Jungle Disk's actions have solely caused all of the steps to be performed.

17. CheckSum is entitled to recover damages adequate to compensate it for such infringement in

an amount no less than a reasonable royalty under 35 U.S.C. § 284.

18. CheckSum will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, CheckSum respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, CheckSum asks this Court to enter judgment against Jungle Disk, granting the following relief:

- A. A declaration that Jungle Disk has infringed the Patent-in-Suit;
- B. An award of damages to compensate CheckSum for Jungle Disk's direct infringement of the Patent-in-Suit;
- C. An order that Jungle Disk and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Jungle Disk's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to CheckSum of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,

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