

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

CheckSum Ventures, LLC,

Plaintiff,

v.

Backblaze, Inc.,

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CheckSum Ventures LLC (“CheckSum”), through its attorney, complains of Backblaze, Inc. (“Backblaze”), 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 Backblaze, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 500 Ben Franklin Ct., San Mateo, CA 94401.

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 Backblaze because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Backblaze provides its full range of services to residents in this District. As described below, Backblaze 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 Backblaze 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, Backblaze 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 Backblaze.

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.** Backblaze 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, Backblaze's B2 platform, through Backblaze and/or its customers, causes the storage solution to write checksum information (such as a SHA-1 hash value) for stored content on the B2 platform. The checksum is calculated and written for at least the purposes of later checking the corresponding data for data integrity. *See* Figure 1;
<https://help.backblaze.com/hc/en-us/articles/218020298-Does-B2-require-a-SHA-1-hash-to-be-provided-with-an-upload->.

Does B2 require a SHA-1 hash to be provided with an upload?



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March 17, 2017 15:42

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When you upload a file to B2, you should provide a SHA-1 hash of the contents of the file in the HTTP request header. The SHA-1 is required to ensure that the file content uploaded from the client matches the file content persisted on the B2 cloud storage.

In addition, the SHA-1 is then saved for the future. If the file is requested for download, the original SHA-1 is matched with the file that's been reassembled from the Backblaze Vault. If they don't match, the file is recreated.

Figure 1. Backblaze's B2 platform causes the storage solution to write checksum information (such as a SHA-1 hash value) for stored content on the B2 platform. The checksum is calculated and written for at least the purposes of later checking the corresponding data for data integrity.

14. Backblaze's device has a provider for providing checksum information based on a data content. For example, Backblaze's B2 platform, through Backblaze and/or its customers, causes the storage solution to write checksum information (such as a SHA-1 hash value) for stored content on the B2 platform. The checksum is calculated and written for at least the purposes of later checking the corresponding data for data integrity. *See Figure 1.*
15. Backblaze'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, Backblaze's B2 platform stores checksum information is stored on Backblaze's server for at least the purposes of later checking the corresponding data for data integrity. Backblaze stores on its server both the checksum information and its corresponding data. It allows the data to be accessed and read while the checksum information is ignored. *See Figure 1.*
16. **Induced Infringement.** Backblaze 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 Backblaze's products in an infringing manner as described above. Upon information and belief, Backblaze 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 Backblaze and Backblaze's customer jointly, Backblaze'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 Backblaze, granting the following relief:

- A. A declaration that Backblaze has infringed the Patent-in-Suit;
- B. An award of damages to compensate CheckSum for Backblaze's direct infringement of the Patent-in-Suit;
- C. An order that Backblaze 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 Backblaze'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,
/s/ Stamatios Stamoulis
Counsel for Plaintiff

Stamatios Stamoulis (#4606)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Stamoulis@swdelaw.com

Richard C. Weinblatt (#5080)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Weinblatt@swdelaw.com

Isaac Rabicoff
(Pro Hac Vice Admission Pending)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
773.669.4590
isaac@rabilaw.com

Kenneth Matuszewski
(Pro Hac Vice Admission Pending)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
(708) 870-5803
kenneth@rabilaw.com