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13 *Attorneys for Plaintiff*  
 14 *Data Scape Limited*

15 **UNITED STATES DISTRICT COURT**  
 16 **CENTRAL DISTRICT OF CALIFORNIA**  
 17 **WESTERN DIVISION**

18 DATA SCAPE LIMITED,  
 19 Plaintiff,  
 20 vs.  
 21 CITRIX SYSTEM, INC.,  
 22 Defendant.

Case No. 2:18-cv-10658-RGK-AGR  
**FIRST AMENDED COMPLAINT  
 FOR PATENT INFRINGEMENT**  
**JURY TRIAL DEMANDED**

Original Complaint Filed:  
 December 26, 2018

23  
 24  
 25 This is an action for patent infringement arising under the Patent Laws of the  
 26 United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Data Scape Limited  
 27 (“Plaintiff,” “Data Scape”) makes the following allegations against Defendant Citrix  
 28 System, Inc. (“Defendant” or “Citrix”):

**PARTIES**

1  
2 1. Data Scape is a company organized under the laws of Ireland with its office  
3 located at Office 115, 4-5 Burton Hall Road, Sandyford, Dublin 18, Ireland.

4 2. On information and belief, Defendant Citrix is a Delaware corporation  
5 with a principal place of business at 4988 Great America Parkway, Santa Clara, CA  
6 95054. Citrix has regular and established places of business in this District, including,  
7 e.g., at 7414 Hollister Avenue, Goleta, CA 93117. E.g.,  
8 <https://www.citrix.com/contact/sales.html>. Citrix offers its products and/or services,  
9 including those accused herein of infringement, to customers and potential customers  
10 located in California and in this District. Citrix can be served with process through its  
11 registered agent, the Corporation Service Company Which will Do Business in  
12 California as CSC-Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite  
13 150N, Sacramento, California 95833-3505.

14 **JURISDICTION AND VENUE**

15 3. This action arises under the patent laws of the United States, Title 35 of  
16 the United States Code. This Court has original subject matter jurisdiction pursuant to  
17 28 U.S.C. §§ 1331 and 1338(a).

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

25 5. Venue is proper in this district under 28 U.S.C. § 1400(b). Citrix is  
26 registered to do business in California, and upon information and belief, Citrix has  
27 transacted business in the Central District of California and has committed acts of direct  
28

1 and indirect infringement in the Central District of California. Citrix has regular and  
2 established place(s) of business in this District, as set forth above.

3 **COUNT I**

4 **INFRINGEMENT OF U.S. PATENT NO. 7,720,929**

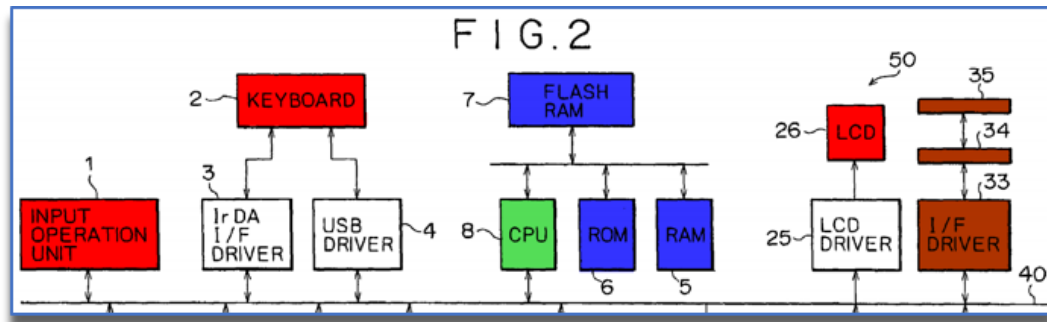
5 6. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
6 as if fully set forth herein.

7 7. Data Scape is the owner by assignment of United States Patent No.  
8 7,720,929 (“the ’929 Patent”) entitled “Communication System And Its Method and  
9 Communication Apparatus And Its Method.” The ’929 Patent was duly and legally  
10 issued by the United States Patent and Trademark Office on May 18, 2010. A true and  
11 correct copy of the ’929 Patent is included as Exhibit A.

12 8. In their most basic form, and ignoring many claim limitations, the claims  
13 of the ’929 Patent are directed to a data synchronization system with a controller  
14 configured to selectively transmit certain digital data between first and second storage  
15 media based on a comparison of edited data management information stored in the  
16 storage medium. The claims are not directed to abstract ideas. The claims provide  
17 technical solutions to technical problems, and, thus, are patent-eligible.

18 9. As the ’929 Patent states, the inventor, the inventor, Akihiro Morohashi,  
19 working at Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced  
20 trying to selectively transfer digital data between two electronic apparatuses. *E.g.*, ’929  
21 Patent, Col 2:1-39. For example, many used optical disks to accomplish this process,  
22 but that was “cumbersome” and did not enable easy or random selection of files to  
23 transfer. *Id.* at 2:10-29. And when others burned digital files into hard disk drives or  
24 semiconductor memory, those systems still required a large amount of time to  
25 selectively transfer certain digital data between electronic apparatuses. *Id.* And in any  
26 case, there was no reasonable way to selectively synchronize select digital content data  
27 between the apparatuses. *Id.* These problems were specific to the technological process  
28 of selective digital-data transfer between electronic apparatuses. *Id.* at 1:27-2:22. And

1 with 28 columns of text and 13 figures, including Figure 2 below, the inventors taught  
 2 various technical solutions involving an unconventional server with a controller  
 3 configured with circuitry to compare certain digital management information:



10 10. Enabled by these teachings, the '929 patent recites in its claims various  
 11 technical solutions to the existing technological problems and shortcomings. For  
 12 example, various claims require the then-unconventional system of electronic  
 13 components configured to use certain digital “management information” to compare,  
 14 edit, delete and selectively transfer separate digital content data between two identified  
 15 apparatuses. *See, e.g., '929 Patent, Claim 1* (“[a]storage [] configured to store  
 16 management information ... [b] a communicator ... [c] a detector ...[d] an editor  
 17 configured to select certain data [] and to edit said management information based on  
 18 said selection, without regard to the connection... and [e] a controller configured to [i]  
 19 transfer the selected data [] via said communicator based on said management  
 20 information [ii] compare said management information...with management  
 21 information [] in said first storage medium and [iii] to transmit data [] based on [the]  
 22 comparison.”).

23 11. The '929 patent and its file history make clear that each included  
 24 independent-claim limitations were not in the prior art, let alone well-understood,  
 25 routine, and conventional. This includes the claimed [a] storage configured to store  
 26 management information, [b] communicator, [c] detector, [d] editor configured to  
 27 select certain data and to edit said management information based on said selection,  
 28 without regard to the connection, and [e] controller configured to [i] transfer the selected

1 data via said communicator based on said management information, [ii] compare said  
2 management information with management information in said first storage  
3 medium, and [iii] to transmit data based on the comparison. And the dependent claims  
4 also include limitations that were not in the prior art, let alone well-understood, routine,  
5 and conventional. *See, e.g.*, limitations of claims 2-9 of the '929 patent.

6 12. On information and belief, Citrix has offered for sale, sold and/or imported  
7 into the United States Citrix products and services that infringe the '929 patent, and  
8 continues to do so. By way of illustrative example, these infringing products and  
9 services include, without limitation, Citrix's products and services, *e.g.*, ShareFile,  
10 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations  
11 thereof since the issuance of the '929 Patent ("Accused Instrumentalities").

12 13. On information and belief, Citrix has directly infringed and continues to  
13 infringe the '929 Patent, for example, by making, selling, offering for sale, and/or  
14 importing the Accused Instrumentalities, and through its own use and testing of the  
15 Accused Instrumentalities, which constitute communication system of Claim 1 of  
16 the '929 Patent comprising: a first apparatus having a first storage medium, and a  
17 second apparatus, said second apparatus comprising: a second storage medium  
18 configured to store management information of data to be transferred to said first  
19 storage medium, a communicator configured to communicate data with said first  
20 apparatus, a detector configured to detect whether said first apparatus and said second  
21 apparatus are connected, an editor configured to select certain data to be transferred and  
22 to edit said management information based on said selection without regard to the  
23 connection of said first apparatus, and a controller configured to control transfer of the  
24 selected data stored in said second apparatus via said communicator based on said  
25 management information edited by said editor when said detector detects that said first  
26 apparatus and said second apparatus are connected, wherein said controller is  
27 configured to compare said management information edited by said editor with  
28 management information of data stored in said first storage medium and to transmit data

1 in said second apparatus based on the results of the comparison. Upon information and  
2 belief, Citrix uses the Accused Instrumentalities, which are infringing systems, for its  
3 own internal non-testing business purposes, while testing the Accused Instrumentalities,  
4 and while providing technical support and repair services for the Accused  
5 Instrumentalities to Citrix's customers.

6 14. On information and belief, Citrix has had knowledge of the '929 Patent  
7 since at least the filing of the original Complaint in this action, or shortly thereafter, and  
8 on information and belief, Citrix knew of the '929 Patent and knew of its infringement,  
9 including by way of this lawsuit. By the time of trial, Citrix will have known and  
10 intended (since receiving such notice) that their continued actions would actively induce  
11 and contribute to the infringement of the claims of the '929 Patent.

12 15. On information and belief, use of the Accused Instrumentalities in their  
13 ordinary and customary fashion results in infringement of the claims of the '929 Patent.

14 16. Citrix's affirmative acts of making, using, selling, offering for sale, and/or  
15 importing the Accused Instrumentalities have induced and continue to induce users of  
16 the Accused Instrumentalities to use the Accused Instrumentalities in their normal and  
17 customary way to infringe the claims of the '929 Patent, knowing that when the Accused  
18 Instrumentalities are used in their ordinary and customary manner, such systems  
19 constitute infringing communication systems comprising: a first apparatus having a first  
20 storage medium, and a second apparatus, said second apparatus comprising: a second  
21 storage medium configured to store management information of data to be transferred  
22 to said first storage medium, a communicator configured to communicate data with said  
23 first apparatus, a detector configured to detect whether said first apparatus and said  
24 second apparatus are connected, an editor configured to select certain data to be  
25 transferred and to edit said management information based on said selection without  
26 regard to the connection of said first apparatus, and a controller configured to control  
27 transfer of the selected data stored in said second apparatus via said communicator  
28 based on said management information edited by said editor when said detector detects

1 that said first apparatus and said second apparatus are connected, wherein said controller  
2 is configured to compare said management information edited by said editor with  
3 management information of data stored in said first storage medium and to transmit data  
4 in said second apparatus based on the results of the comparison. For example, Citrix  
5 explains to customers the benefits of using the Accused Instrumentalities, such as by  
6 touting their advantages: “Access and share all your files and documents in a few simple  
7 clicks,” “Skip the messy data migration and get secure access to files and folders stored  
8 on legacy data systems, with 3rd party servicers or anywhere else. ShareFile gives users  
9 a single, secure point of access to all data, regardless of environment or endpoint.”  
10 <https://www.sharefile.com/features>. Citrix also induces its customers to use the  
11 Accused Instrumentalities to infringe other claims of the '929 Patent. Citrix specifically  
12 intended and was aware that the normal and customary use of the Accused  
13 Instrumentalities on compatible systems would infringe the '929 Patent. Citrix  
14 performed the acts that constitute induced infringement, and would induce actual  
15 infringement, with the knowledge of the '929 Patent and with the knowledge, or willful  
16 blindness to the probability, that the induced acts would constitute infringement. On  
17 information and belief, Citrix engaged in such inducement to promote the sales of the  
18 Accused Instrumentalities, *e.g.*, through Citrix's user manuals, product support,  
19 marketing materials, demonstrations, installation support, and training materials to  
20 actively induce the users of the accused products to infringe the '929 Patent.  
21 Accordingly, Citrix as induced and continues to induce end users of the accused  
22 products to use the accused products in their ordinary and customary way with  
23 compatible systems to make and/or use systems infringing the '929 Patent, knowing  
24 that such use of the Accused Instrumentalities with compatible systems will result in  
25 infringement of the '929 Patent. Accordingly, Citrix has been (since at least as of filing  
26 of the original complaint), and currently is, inducing infringement of the '929 Patent, in  
27 violation of 35 U.S.C. § 271(b).

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1 17. Citrix has also infringed, and continues to infringe, claims of the ‘929  
 2 patent by offering to commercially distribute, commercially distributing, making,  
 3 and/or importing the Accused Instrumentalities, which are used in practicing the  
 4 process, or using the systems, of the ‘929 patent, and constitute a material part of the  
 5 invention. Citrix knows the components in the Accused Instrumentalities to be  
 6 especially made or especially adapted for use in infringement of the ‘929 patent, not a  
 7 staple article, and not a commodity of commerce suitable for substantial noninfringing  
 8 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
 9 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
 10 Citrix has been, and currently is, contributorily infringing the ‘929 patent, in violation  
 11 of 35 U.S.C. § 271(c).

12 18. The Accused Instrumentalities include “[a] communication system  
 13 including a first apparatus having a first storage medium, and a second apparatus.” For  
 14 example, the Accused Instrumentalities include a communication system (e.g.,  
 15 ShareFile product) comprising of StorageZones having a storage medium (e.g.,  
 16 Microsoft Azure or Citrix S3 cloud storage, network drives) and clients (e.g., mobile  
 17 devices, native desktop client, virtual desktop).  
 18 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 19 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

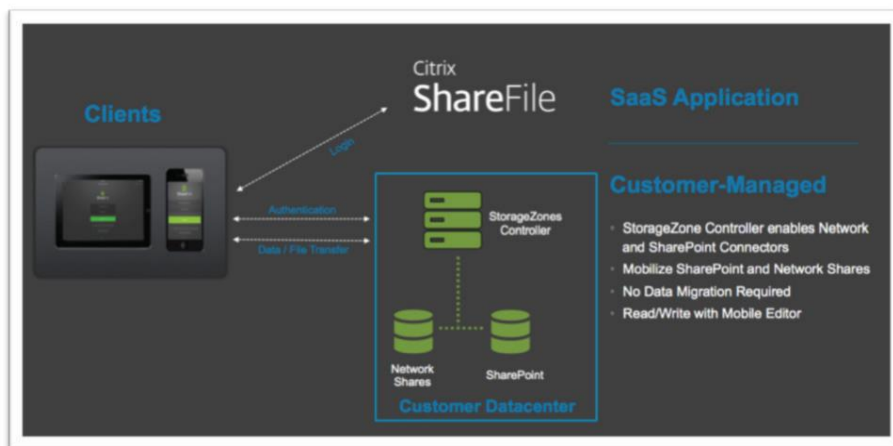


Figure 3. StorageZone Connector architecture

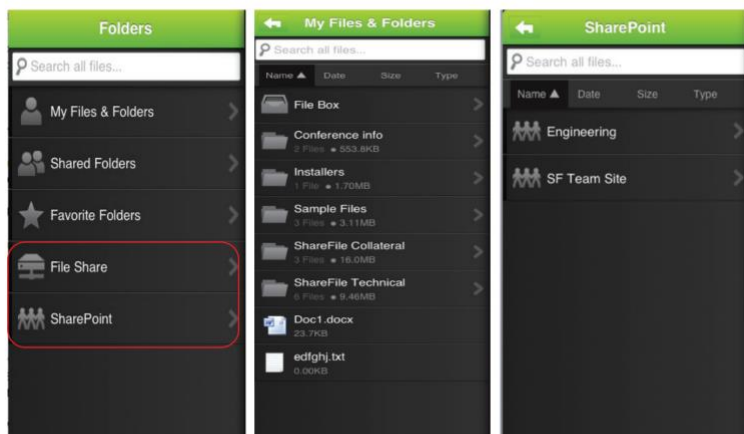
28



1 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 2 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)

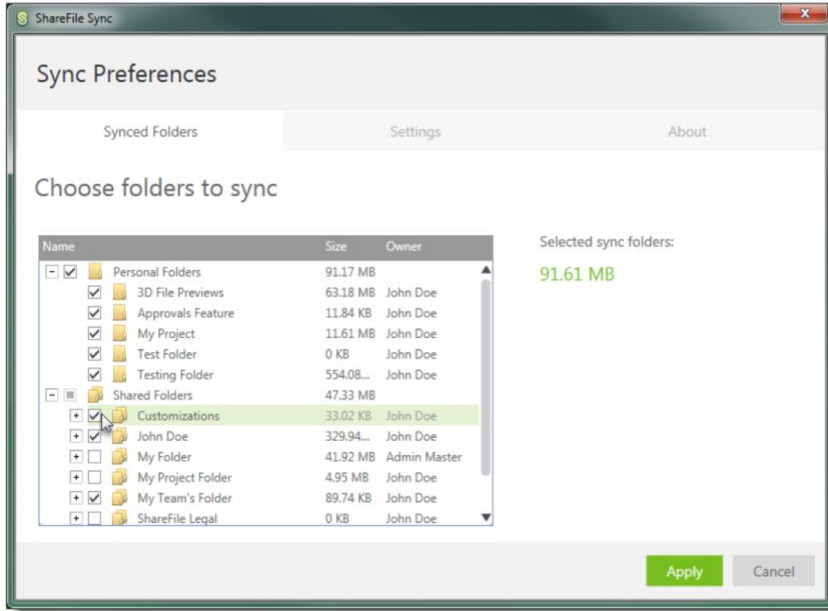
3 19. The Accused Instrumentalities include a second apparatus comprising: a  
 4 second storage medium configured to store management information of data to be  
 5 transferred to said first storage medium. For example, the Accused Instrumentalities  
 6 include clients such as mobile devices, native desktop clients, or virtual desktops.  
 7 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 8 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). Moreover, mobile devices, native  
 9 desktop clients or virtual desktops include a storage medium (e.g., see figure below).

10 Users with appropriate access will see a connected SharePoint library or network  
 file share in the ShareFile client interface under **Folders > SharePoint or Folders**  
 > **Network Shares** referenced in Figure 3.



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18 **Figure 3.** Folder structure in the ShareFile mobile client interface

19  
20 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf)  
 21 [solutions/sharefile-storagezone-connectors-feature-brief.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf). Moreover, the Accused  
 22 Instrumentalities provide ShareFile Sync tool configured to synchronize selected  
 23 folders (e.g., “Under the Synced Folders tab, use the checkboxes to designate which  
 24 folders to sync. Click Apply to save your changes.”  
 25 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the  
 26 Accused Instrumentalities include ShareFile Sync tool that stores information about the  
 27 selected folders’ structure (e.g., see figure below).  
 28



<https://support.citrix.com/article/CTX207683?recommended>.

20. The Accused Instrumentalities include a second apparatus comprising “a communicator configured to communicate data with said first apparatus.” For example, the Accused Instrumentalities disclose “[F]iles are transferred through ShareFile over a secure SSL/TLS connection and are stored at rest with AES 256-bit encryption.” <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g., Data/File Transfer between Clients and Customer Datacenter in the figure below).

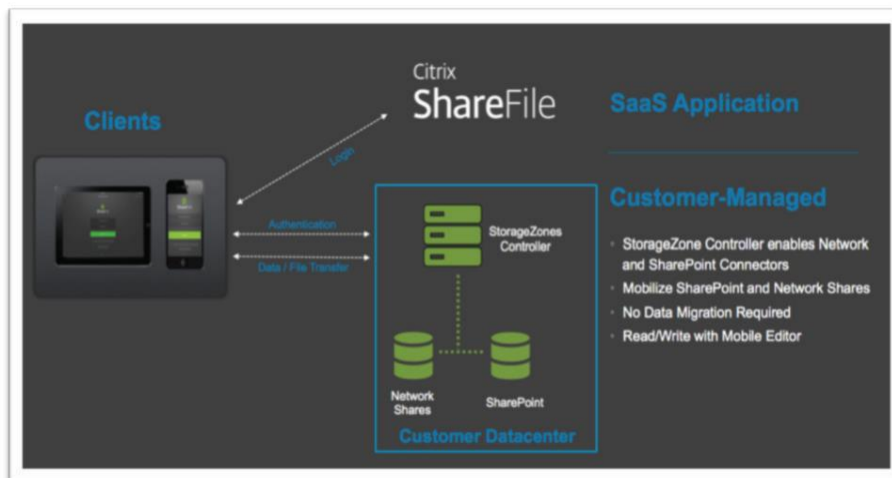
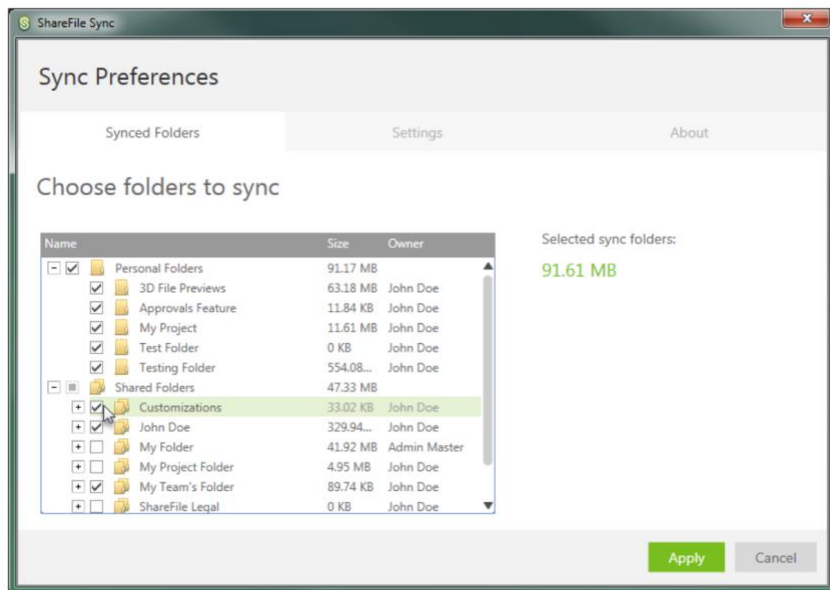


Figure 3. StorageZone Connector architecture

1 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 2 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

3 21. The Accused Instrumentalities further include a second apparatus  
 4 comprising “a detector configured to detect whether said first apparatus and a second  
 5 apparatus are connected.” For example, the Accused Instrumentalities include a  
 6 detector configured to detect whether network connectivity is down. For example, the  
 7 Accused Instrumentalities disclose that “[I]f internet connectivity is lost, uploads will  
 8 be retried automatically when connectivity is restored.”  
 9 <https://support.citrix.com/article/CTX226351>.

10 22. The Accused Instrumentalities further include a second apparatus  
 11 comprising “an editor configured to select certain data to be transferred and to edit said  
 12 management information based on said selection without regard to the connection of  
 13 said first apparatus.” For example, the Accused Instrumentalities let the user select  
 14 folders to synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to  
 15 designate which folders to sync. Click Apply to save your changes.”  
 16 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the  
 17 Accused Instrumentalities include ShareFile Sync tool that stores information about the  
 18 selected folders’ structure (e.g., see figure below).

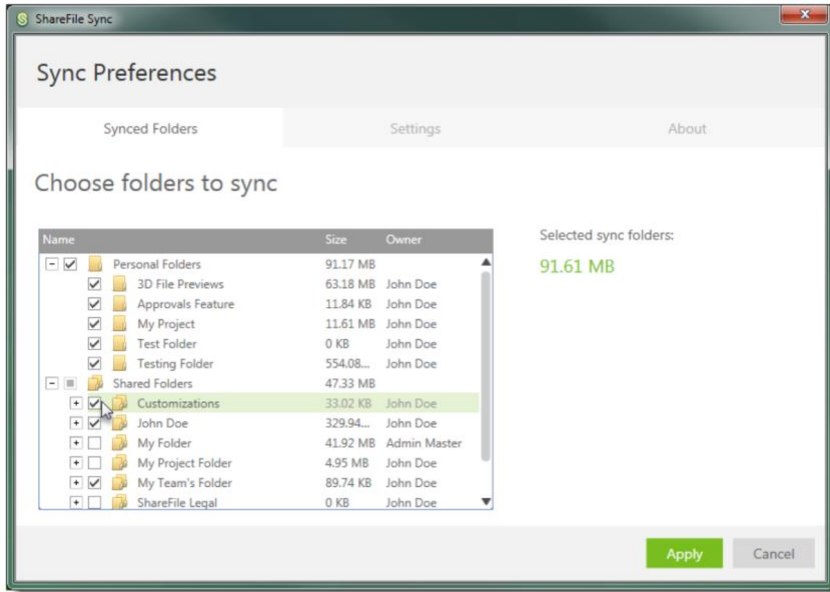


1 <https://support.citrix.com/article/CTX207683?recommended>. Moreover, the Accused  
2 Instrumentalities are able to edit information about the synchronized folders’ structure  
3 even when internet connection is unavailable. For example, the Accused  
4 Instrumentalities disclose “[W]hen you delete a file from your sync location, it is  
5 moved to the local Recycle Bin of your PC.”

6 <https://support.citrix.com/article/CTX207683?recommended>. The Accused  
7 Instrumentalities also disclose that “[I]f you share a sync location with another user and  
8 you delete a file, the file will be moved to the local Recycle Bin of your PC and the  
9 local Recycle Bin of any user currently synced to that  
10 location.” <https://support.citrix.com/article/CTX207683?recommended>. As another  
11 example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost,  
12 uploads will be retried automatically when connectivity is restored.”  
13 <https://support.citrix.com/article/CTX226351>.

14 23. The Accused Instrumentalities further include a second apparatus  
15 comprising “a controller configured to control transfer of the selected data stored in said  
16 second apparatus to said first apparatus via said communicator based on said  
17 management information edited by said editor when said detector detects that said first  
18 apparatus and said second apparatus are connected.” For example, the Accused  
19 Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced  
20 Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save  
21 your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this  
22 regard, the Accused Instrumentalities include ShareFile Sync tool that provides transfer  
23 of the selected folders (e.g., see figure below).

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28



11 <https://support.citrix.com/article/CTX207683?recommended>. As another example, the  
 12 Accused Instrumentalities disclose “[F]iles are transferred through ShareFile over a  
 13 secure SSL/TLS connection and are stored at rest with AES 256-bit encryption.”  
 14 <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g.,  
 15 Data/File Transfer between Clients and Customer Datacenter in the figure below).

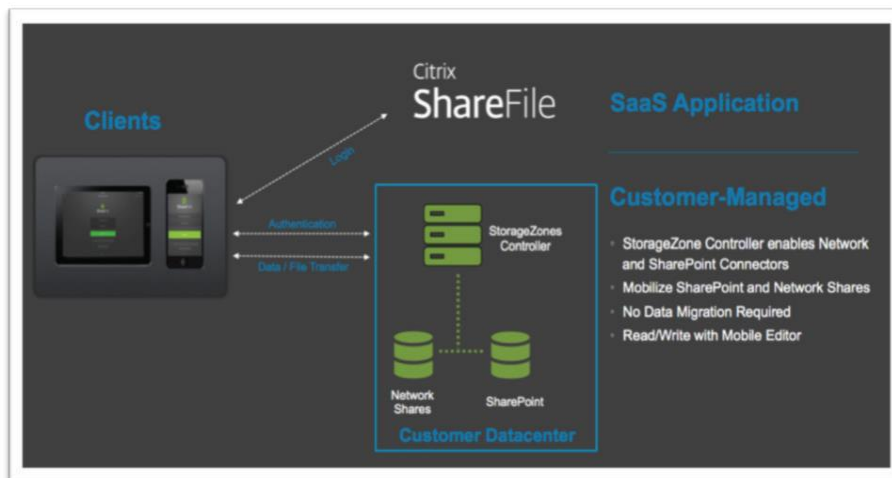
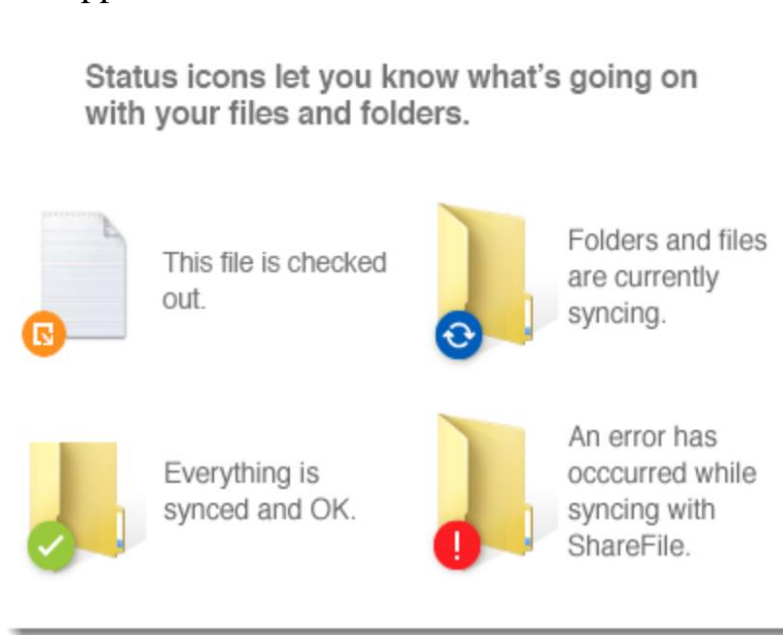


Figure 3. StorageZone Connector architecture

25 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 26 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). Moreover, the Accused  
 27 Instrumentalities detect whether client devices and StorageZones datacenters are  
 28 connected. As such, the Accused Instrumentalities disclose that “[I]f internet

1 connectivity is lost, uploads will be retried automatically when connectivity is  
2 restored.” <https://support.citrix.com/article/CTX226351>.

3 20. The Accused Instrumentalities further include a second apparatus  
4 “wherein said controller is configured to compare said management information edited  
5 by said editor with management information of data stored in said first storage medium  
6 and to transmit data in said second apparatus based on result of the comparison.” For  
7 example, the Accused Instrumentalities provide folders and files synchronization status  
8 indicators. As such, synchronization status indicators may indicate whether folders or  
9 files are synced or in the process of syncing (e.g., “You can view currently syncing and  
10 synced files, currently checked out files, start or pause the Sync process... .”  
11 <https://support.citrix.com/article/CTX207683?recommended> and figure below).



26 <https://support.citrix.com/article/CTX234889>.

27 21. Citrix also infringes other claims of the '929 Patent, directly and through  
28 inducing infringement and contributory infringement.

29 22. By making, using, offering for sale, selling and/or importing into the  
30 United States the Accused Instrumentalities, and touting the benefits of using the

1 Accused Instrumentalities’ accused features, Citrix has injured Data Scape and is liable  
2 to Data Scape for infringement of the ’929 Patent pursuant to 35 U.S.C. § 271.

3 23. As a result of Citrix’s infringement of the ’929 Patent, Plaintiff Data Scape  
4 is entitled to monetary damages in an amount adequate to compensate for Citrix’s  
5 infringement, but in no event less than a reasonable royalty for the use made of the  
6 invention by Citrix, together with interest and costs as fixed by the Court.

7 **COUNT II**

8 **INFRINGEMENT OF U.S. PATENT NO. 7,617,537**

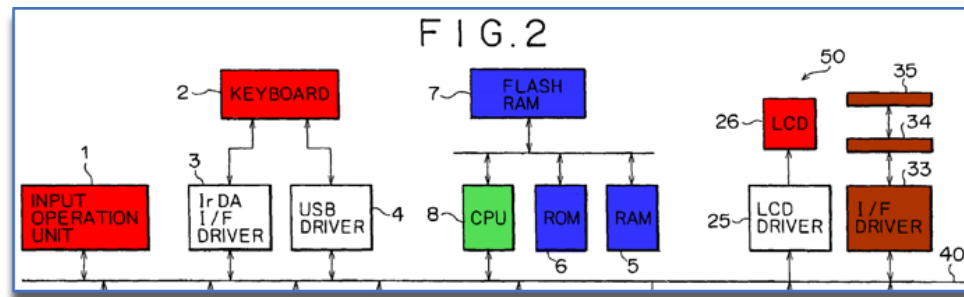
9 24. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
10 as if fully set forth herein.

11 25. Data Scape is the owner by assignment of United States Patent No.  
12 7,617,537 (“the ‘537 Patent”) entitled “Communication System And Its Method and  
13 Communication Apparatus And Its Method.” The ‘537 Patent was duly and legally  
14 issued by the United States Patent and Trademark Office on Nov. 10, 2009. A true and  
15 correct copy of the ‘537 Patent is included as Exhibit B.

16 26. In their most basic form, and ignoring many claim limitations, the claims  
17 of the ‘537 Patent are directed to a data synchronization system with a controller  
18 configured to compare identifiers in first and second apparatuses and thereby selectively  
19 delete and transfer certain digital content across the two apparatuses. The claims are not  
20 directed to abstract ideas. The claims provide technical solutions to technical problems,  
21 and, thus, are patent-eligible.

22 27. As the ‘537 Patent states, the inventor, the inventor, Akihiro Morohashi,  
23 working at Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced  
24 trying to selectively transfer digital data between two electronic apparatuses. *E.g.*, ’537  
25 Patent, Col 2:1-39. For example, many used optical disks to accomplish this process,  
26 but that was “cumbersome” and did not enable easy or random selection of files to  
27 transfer. *Id.* at 2:10-29. And when others burned digital files into hard disk drives or  
28 semiconductor memory, those systems still required a large amount of time to

1 selectively transfer certain digital data between electronic apparatuses. *Id.* And in any  
 2 case, there was no reasonable way to selectively synchronize select digital content data  
 3 between the apparatuses. *Id.* These problems were specific to the technological process  
 4 of selective digital-data transfer between electronic apparatuses. *Id.* at 1:27-2:22. And  
 5 with 28 columns of text and 13 figures, including Figure 2 below, the inventors taught  
 6 various technical solutions involving an unconventional server with a controller  
 7 configured with circuitry to compare certain digital management information:



14 28. Enabled by these teachings, the '537 patent recites in its claims various  
 15 technical solutions to the existing technological problems and shortcomings. For  
 16 example, various claims require the then-unconventional system of electronic  
 17 components configured to use certain digital "identifiers" to compare, edit, delete and  
 18 selectively transfer separate digital content data between two identified  
 19 apparatuses. *See, e.g.,* '537 Patent, Claim 15 ("[a] communication apparatus configured  
 20 to transfer content data to a portable apparatus comprising: [a] a storing unit configured  
 21 to store a program ... [b] a processor configured to execute said program ... [c] wherein  
 22 said processor ... is operating to: [i] judge whether said portable apparatus and said  
 23 communication apparatus are connected [ii] compare ... an identifier of said portable  
 24 apparatus with an identifier stored in said communication apparatus [iii] comparing . .  
 25 . a first list of content data of said first apparatus and a second list of content data in said  
 26 second apparatus; [iv] transferring . . . first content data, which is registered in said  
 27 second list and is not registered in said first list; and [v] deleting . . . second content  
 28 data, which is registered in said first list and is not registered in said second list.")



1           29. The ‘537 patent and its file history make clear that each included  
2 independent-claim limitations were not in the prior art, let alone well-understood,  
3 routine, and conventional. This includes the claimed (1) communication apparatus  
4 configured to transfer content data to a portable apparatus; (2) storing unit configured  
5 to store a program and (3) a processor configured to execute said program wherein said  
6 processor is operating to: [i] judge whether said portable apparatus and said  
7 communication apparatus are connected [ii] compare an identifier of said portable  
8 apparatus with an identifier stored in said communication apparatus [iii] comparing a  
9 first list of content data of said first apparatus and a second list of content data in said  
10 second apparatus; [iv] transferring first content data, which is registered in said second  
11 list and is not registered in said first list; and [v] deleting content data, which is  
12 registered in said first list and is not registered in said second list. And the dependent  
13 claims also include limitations that were not in the prior art, let alone well-understood,  
14 routine, and conventional. *See, e.g.*, limitations of claims 16-24 of the ‘537 patent.

15           30. On information and belief, Citrix has offered for sale, sold and/or imported  
16 into the United States Citrix products and services that infringe the ‘537 patent, and  
17 continues to do so. By way of illustrative example, these infringing products and  
18 services include, without limitation, Citrix’s products and services, *e.g.*, ShareFile,  
19 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations  
20 thereof since the issuance of the ‘537 Patent (“Accused Instrumentalities”).

21           31. On information and belief, Citrix has directly infringed and continues to  
22 infringe the ‘537 Patent, for example, by making, selling, offering for sale, and/or  
23 importing the Accused Instrumentalities, and through its own use and testing of the  
24 Accused Instrumentalities, which constitute communication method of Claim 1 of the  
25 ‘537 Patent, to transfer content data to a first apparatus from a second apparatus,  
26 comprising: judging whether said first apparatus and said second apparatus are  
27 connected; comparing, upon judging that said first apparatus and said second apparatus  
28 are connected, an identifier of said first apparatus with an identifier stored in said second

1 apparatus; comparing, when said identifier of said first apparatus corresponds to said  
2 identifier stored in said second apparatus, a first list of content data of said first  
3 apparatus and a second list of content data of said second apparatus; transferring, from  
4 the second apparatus to the first apparatus, first content data, which is registered in said  
5 second list and is not registered in said first list; and deleting, from the first apparatus,  
6 second content data, which is registered in said first list and is not registered in said  
7 second list. Upon information and belief, Citrix uses the Accused Instrumentalities,  
8 which are infringing systems, for its own internal non-testing business purposes, while  
9 testing the Accused Instrumentalities, and while providing technical support and repair  
10 services for the Accused Instrumentalities to Citrix's customers.

11 32. On information and belief, Citrix has had knowledge of the '537 Patent  
12 since at least the filing of the original Complaint in this action, or shortly thereafter, and  
13 on information and belief, Citrix knew of the '537 Patent and knew of its infringement,  
14 including by way of this lawsuit. By the time of trial, Citrix will have known and  
15 intended (since receiving such notice) that their continued actions would actively induce  
16 and contribute to the infringement of the claims of the '537 Patent.

17 33. On information and belief, use of the Accused Instrumentalities in their  
18 ordinary and customary fashion results in infringement of the claims of the '537 Patent.

19 34. Citrix's affirmative acts of making, using, selling, offering for sale, and/or  
20 importing the Accused Instrumentalities have induced and continue to induce users of  
21 the Accused Instrumentalities to use the Accused Instrumentalities in their normal and  
22 customary way to infringe the claims of the '537 Patent, knowing that when the Accused  
23 Instrumentalities are used in their ordinary and customary manner, such method  
24 constitute infringing communication method comprising: judging whether said first  
25 apparatus and said second apparatus are connected; comparing, upon judging that said  
26 first apparatus and said second apparatus are connected, an identifier of said first  
27 apparatus with an identifier stored in said second apparatus; comparing, when said  
28 identifier of said first apparatus corresponds to said identifier stored in said second

1 apparatus, a first list of content data of said first apparatus and a second list of content  
2 data of said second apparatus; transferring, from the second apparatus to the first  
3 apparatus, first content data, which is registered in said second list and is not registered  
4 in said first list; and deleting, from the first apparatus, second content data, which is  
5 registered in said first list and is not registered in said second list. For example, Citrix  
6 explains to customers the benefits of using the Accused Instrumentalities, such as by  
7 touting their advantages: “[A]ccess and share all your files and documents in a few  
8 simple clicks,” “Skip the messy data migration and get secure access to files and folders  
9 stored on legacy data systems, with 3rd party servicers or anywhere else. ShareFile  
10 gives users a single, secure point of access to all data, regardless of environment or  
11 endpoint.” <https://www.sharefile.com/features>. Citrix also induces its customers to use  
12 the Accused Instrumentalities to infringe other claims of the ‘537 Patent. Citrix  
13 specifically intended and was aware that the normal and customary use of the Accused  
14 Instrumentalities on compatible systems would infringe the ‘537 Patent. Citrix  
15 performed the acts that constitute induced infringement, and would induce actual  
16 infringement, with the knowledge of the ‘537 Patent and with the knowledge, or willful  
17 blindness to the probability, that the induced acts would constitute infringement. On  
18 information and belief, Citrix engaged in such inducement to promote the sales of the  
19 Accused Instrumentalities, *e.g.*, through Citrix’s user manuals, product support,  
20 marketing materials, demonstrations, installation support, and training materials to  
21 actively induce the users of the accused products to infringe the ‘537 Patent.  
22 Accordingly, Citrix as induced and continues to induce end users of the accused  
23 products to use the accused products in their ordinary and customary way with  
24 compatible systems to make and/or use systems infringing the ‘537 Patent, knowing  
25 that such use of the Accused Instrumentalities with compatible systems will result in  
26 infringement of the ‘537 Patent. Accordingly, Citrix has been (since at least as of filing  
27 of the original complaint), and currently is, inducing infringement of the ‘537 Patent, in  
28 violation of 35 U.S.C. § 271(b).

1           35. Citrix has also infringed, and continues to infringe, claims of the ‘537  
2 patent by offering to commercially distribute, commercially distributing, making,  
3 and/or importing the Accused Instrumentalities, which are used in practicing the  
4 process, or using the systems, of the ‘537 patent, and constitute a material part of the  
5 invention. Citrix knows the components in the Accused Instrumentalities to be  
6 especially made or especially adapted for use in infringement of the ‘537 patent, not a  
7 staple article, and not a commodity of commerce suitable for substantial noninfringing  
8 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
9 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
10 Citrix has been, and currently is, contributorily infringing the ‘537 patent, in violation  
11 of 35 U.S.C. § 271(c).

12           36. The Accused Instrumentalities perform “[a] communication method to  
13 transfer content data to a first apparatus from a second apparatus.” For example, the  
14 Accused Instrumentalities communicate and transfer, via StorageZones Controller, files  
15 between datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage,  
16 network drives) and clients (e.g., mobile devices, native desktop client, virtual desktop).  
17 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
18 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused  
19 Instrumentalities disclose “[F]iles are transferred through ShareFile over a secure  
20 SSL/TLS connection and are stored at rest with AES 256-bit encryption.”  
21 <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g.,  
22 Data/File Transfer between Clients and Customer Datacenter in the figure below).

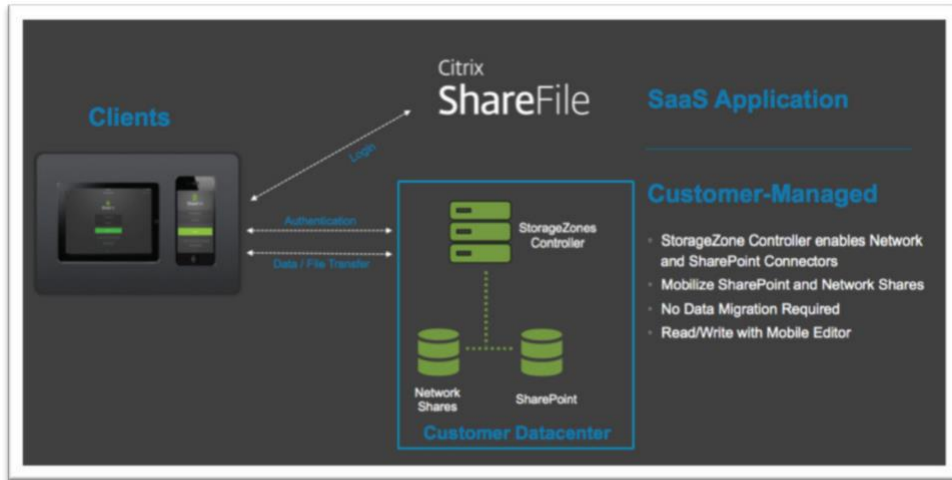
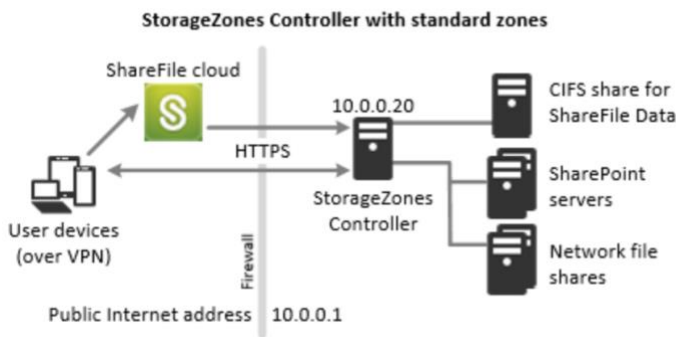


Figure 3. StorageZone Connector architecture

[https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused Instrumentalities also provide that HTTPS communication methods is used to communicate between “User devices” and “StorageZones Controller.” (e.g., See the figure below).



<https://docs.citrix.com/en-us/storagezones-controller/5-0/architecture-overview.html>

37. The Accused Instrumentalities perform a method comprising “judging whether said first apparatus and said second apparatus are connected.” For example, the Accused Instrumentalities judge whether network connectivity between client devices and the StorageZones Controller is down. For example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost, uploads will be retried

1 automatically when connectivity is restored.”  
2 <https://support.citrix.com/article/CTX226351>.

3 38. The Accused Instrumentalities perform “comparing, upon judging that  
4 said first apparatus and said second apparatus are connected, an identifier of said first  
5 apparatus with an identifier stored in said second apparatus.” For example, the Accused  
6 Instrumentalities disclose that “[I]f internet connectivity is lost, uploads will be retried  
7 automatically when connectivity is restored.”

8 <https://support.citrix.com/article/CTX226351>. For example, the Accused  
9 Instrumentalities disclose an authentication method that enables user devices to access  
10 data stored in “StorageZones and on network files shares or SharePoint servers.”

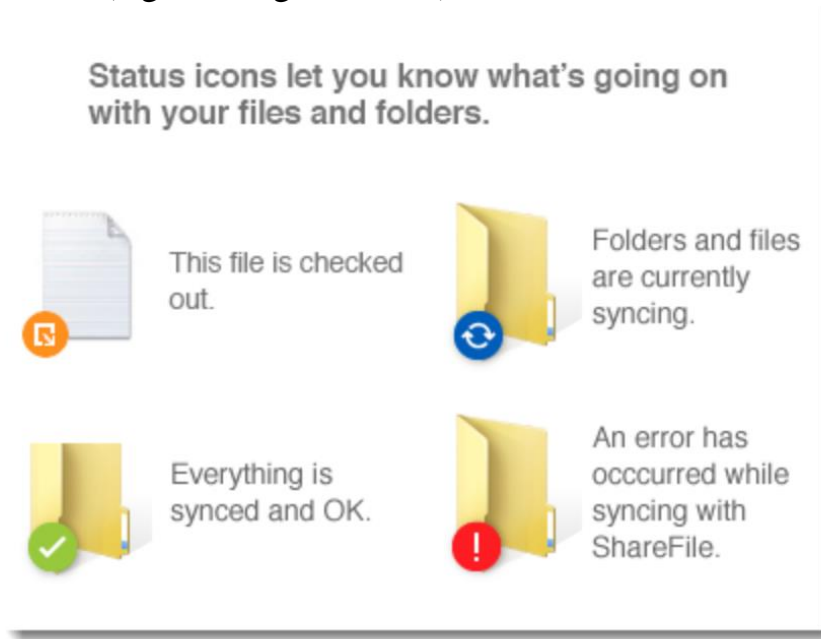
11 <https://docs.citrix.com/en-us/storagezones-controller/5-0/about.html>. As such, the  
12 Accused Instrumentalities disclose that “[A]ll authentication requests and user  
13 credentials are securely sent over HTTPS. After the authentication process is complete,  
14 the mobile client communicates directly with the StorageZone Controller and all files  
15 are securely accessed directly through the Controller within the customer’s datacenter.”

16 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf)  
17 [solutions/sharefile-storagezone-connectors-feature-brief.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf).

18 39. The Accused Instrumentalities perform “comparing, when said identifier  
19 of said first apparatus corresponds to said identifier stored in said second apparatus, a  
20 first list of content data of said first apparatus and a second list of content data of said  
21 second apparatus.” For example, the Accused Instrumentalities disclose that “[A]fter  
22 the credentials are verified, the user can access the data securely from their mobile  
23 device.” [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf)

24 [solutions/sharefile-storagezone-connectors-feature-brief.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf). As another example, the  
25 Accused Instrumentalities provide folders and files synchronization status indicators.  
26 As such, synchronization status indicators may indicate whether folders or files are  
27 synced or in the process of syncing (e.g., “You can view currently syncing and synced  
28 files, currently checked out files, start or pause the Sync process... .”

1 <https://support.citrix.com/article/CTX207683?recommended> and figure below). More  
 2 specifically, files and folders synchronization process compares a list of files and folders  
 3 stored in the first apparatus with the list of files and folders stored in the second  
 4 apparatus. (e.g., See figure below).



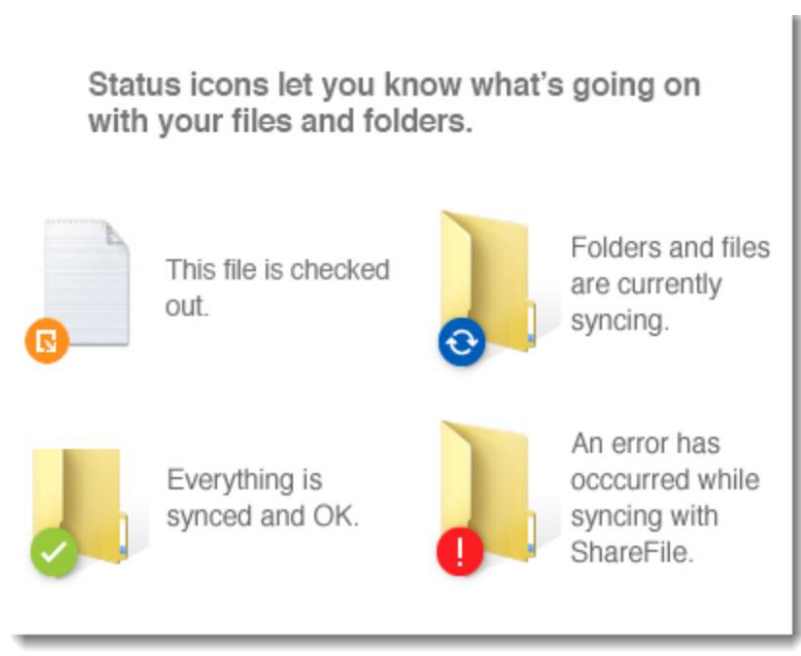
16 <https://support.citrix.com/article/CTX234889>.

17 40. The Accused Instrumentalities further perform “transferring, from the  
 18 second apparatus to the first apparatus, first content data, which is registered in said  
 19 second list and is not registered in said first list.” For example, the Accused  
 20 Instrumentalities provide folders and files synchronization status indicators. As such,  
 21 synchronization status indicators may indicate whether folders or files are synced or in  
 22 the process of syncing (e.g., “You can view currently syncing and synced files, currently  
 23 checked out files, start or pause the Sync process... .”

24 <https://support.citrix.com/article/CTX207683?recommended> and figure below). More  
 25 specifically, the synchronization process transfers files and folders from the client  
 26 devices to datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage,  
 27 network drives). (e.g., See figure below).

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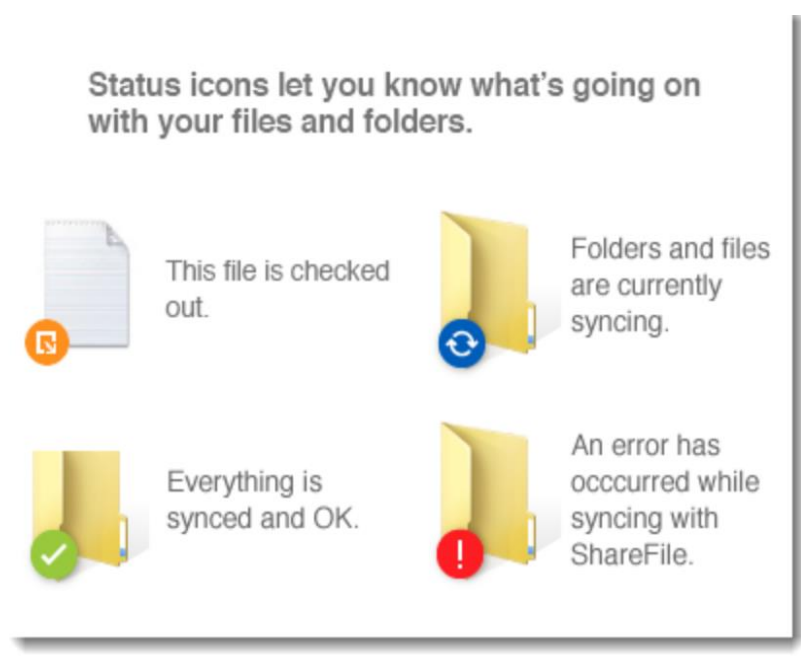


<https://support.citrix.com/article/CTX234889>.

41. The Accused Instrumentalities perform “deleting, from the first apparatus, second content data, which is registered in said first list and is not registered in said second list.” For example, the Accused Instrumentalities provide folders and files synchronization status indicators. As such, synchronization status indicators may indicate whether folders or files are synced or in the process of syncing (e.g., “You can view currently syncing and synced files, currently checked out files, start or pause the Sync process... .” <https://support.citrix.com/article/CTX207683?recommended> and figure below). More specifically, the synchronization process deletes files and folders from the datacenters controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives) when they are removed from the client devices. (e.g., See figure below).



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<https://support.citrix.com/article/CTX234889>. As another example, the Accused Instrumentalities disclose “[I]f you share a sync location with another user and you delete a file, the file will be moved to the local Recycle Bin of your PC AND the local Recycle Bin of any user currently synced to that location.” <https://support.citrix.com/article/CTX207683?recommended#Deletion>

42. Citrix also infringes other claims of the ‘537 Patent, directly and through inducing infringement and contributory infringement.

43. 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’ accused features, Citrix has injured Data Scape and is liable to Data Scape for infringement of the ‘537 Patent pursuant to 35 U.S.C. § 271.

44. As a result of Citrix’s infringement of the ‘537 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for Citrix’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Citrix, together with interest and costs as fixed by the Court.

1 **COUNT III**

2 **INFRINGEMENT OF U.S. PATENT NO. 10,027,751**

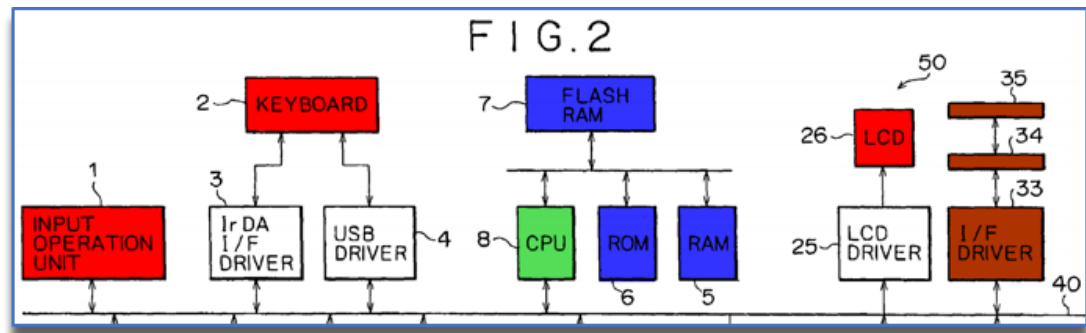
3 45. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
4 as if fully set forth herein.

5 46. Data Scape is the owner by assignment of United States Patent No.  
6 10,027,751 (“the ‘751 Patent”) entitled “Communication system and its method and  
7 communication apparatus and its method.” The ‘751 Patent was duly and legally issued  
8 by the United States Patent and Trademark Office on July 17, 2018. A true and correct  
9 copy of the ‘751 Patent is included as Exhibit C.

10 47. In their most basic form, and ignoring many claim limitations, the claims  
11 of the ‘751 Patent are directed to a data synchronization system with a controller  
12 configured to selectively transmit certain digital data between first and second  
13 apparatuses based on a comparison of edited management information stored in the  
14 apparatuses as well as determination of the size of the data to be transferred. The claims  
15 are not directed to abstract ideas. The claims provide technical solutions to technical  
16 problems, and, thus, are patent-eligible.

17 48. As the ‘751 Patent states, the inventor, Akihiro Morohashi, working at  
18 Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced trying to  
19 selectively transfer data between two electronic apparatuses. *E.g.*, ‘751 Patent, Col  
20 2:20-59. For example, many used optical disks to accomplish this process, but that was  
21 “cumbersome” and did not enable easy or random selection of files to transfer. *Id.* at  
22 2:29-41. And when others burned digital files into hard disk drives or semiconductor  
23 memory, those systems still required a large amount of time to selectively transfer  
24 certain digital data between electronic apparatuses. *Id.* And in any case, there was no  
25 reasonable way to selectively synchronize select digital content data between the  
26 apparatuses. *Id.* These problems were specific to the technological process of selective  
27 digital-data transfer between electronic apparatuses. *Id.* at 1:46-2:41. And with over 28  
28 columns of text and 13 figures, including Figure 2 below, the inventor taught various

1 technical solutions involving an unconventional server with a controller configured with  
 2 circuitry to compare certain digital management information:



10 49. Enabled by these teachings, the patent recite in its claims various technical  
 11 solutions to the existing technological problems and shortcomings. For example,  
 12 various claims require the then-unconventional system of electronic components  
 13 configured to use digital “identifiers” to compare, edit, delete and selectively transfer  
 14 separate digital content data between two apparatuses. See, e.g., ’751 Patent, Claim 1  
 15 (“[a] communication apparatus configured to transfer content data to an apparatus . . .  
 16 comprising . . . [b] a hardware storage medium configured to store management  
 17 information . . . [c] a communicator . . . [d] a detector . . . [e] a controller configured to  
 18 control transfer of the selected data . . . to the apparatus . . . based on the management  
 19 information . . . configured to . . . [i] compare the management information edited by the  
 20 editor with the management information of data stored in the apparatus; [ii] determine  
 21 a size of the selected data in the communication apparatus; and [iii] transmit data . . .  
 22 based on a result of the comparison and the determination”).

23 50. The ’751 patent and its file history make clear that each included  
 24 independent-claim limitations were not in the prior art, let alone well-understood,  
 25 routine, and conventional. This includes the claimed communication apparatus  
 26 configured to transfer content data to an apparatus comprising: (a) a hardware storage  
 27 medium configured to store management information; (b) a communicator; (c) a  
 28 detector; (e) a controller configured to control transfer of the selected data to the

1 apparatus based on the management information configured to (i) compare the  
2 management information edited by the editor with the management information of data  
3 stored in the apparatus; (ii) determine a size of the selected data in the communication  
4 apparatus; and (iii) transmit data based on a result of the comparison and the  
5 determination. And the dependent claims also include limitations that were not in the  
6 prior art, let alone well-understood, routine, and conventional. *See, e.g.*, limitations of  
7 claims 2-14 of the '751 patent.

8 51. On information and belief, Citrix has offered for sale, sold and/or imported  
9 into the United States Citrix products and services that infringe the '751 patent, and  
10 continues to do so. By way of illustrative example, these infringing products and  
11 services include, without limitation, Citrix's products and services, *e.g.*, ShareFile,  
12 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations  
13 thereof since the issuance of the '751 Patent ("Accused Instrumentalities").

14 52. On information and belief, Citrix has directly infringed and continues to  
15 infringe the '751 Patent, for example, by making, selling, offering for sale, and/or  
16 importing the Accused Instrumentalities, and through its own use and testing of the  
17 Accused Instrumentalities, which constitute a communication apparatus of Claim 1 of  
18 the '751 Patent configured to transmit data to an apparatus comprising: a hardware  
19 storage medium configured to store management information of data to be transferred  
20 to the apparatus; a communicator configured to communicate data with the apparatus;  
21 a detector configured to detect whether the communication apparatus and the apparatus  
22 are connected; an editor configured to select certain data to be transferred and to edit  
23 the management information based on the selection without regard to the connection of  
24 the communication apparatus and the apparatus; and a controller configured to control  
25 transfer of the selected data stored in the communication apparatus to the apparatus via  
26 the communicator based on the management information edited by the editor when the  
27 detector detects that the communication apparatus and the apparatus are connected,  
28 wherein the controller is configured to compare the management information edited by

1 the editor with management information of data stored in the apparatus, determine a  
2 size of the selected data in the communication apparatus, and transmit data in the  
3 communication apparatus based on result of the comparison and the determination.  
4 Upon information and belief, Citrix uses the Accused Instrumentalities, which are  
5 infringing systems, for its own internal non-testing business purposes, while testing the  
6 Accused Instrumentalities, and while providing technical support and repair services  
7 for the Accused Instrumentalities to Citrix's customers.

8 53. On information and belief, Citrix has had knowledge of the '751 Patent  
9 since at least the filing of the original Complaint in this action, or shortly thereafter, and  
10 on information and belief, Citrix knew of the '751 Patent and knew of its infringement,  
11 including by way of this lawsuit. By the time of trial, Citrix will have known and  
12 intended (since receiving such notice) that their continued actions would actively induce  
13 and contribute to the infringement of the claims of the '751 Patent.

14 54. On information and belief, use of the Accused Instrumentalities in their  
15 ordinary and customary fashion results in infringement of the claims of the '751 Patent.

16 55. Citrix's affirmative acts of making, using, selling, offering for sale, and/or  
17 importing the Accused Instrumentalities have induced and continue to induce users of  
18 the Accused Instrumentalities to use the Accused Instrumentalities in their normal and  
19 customary way to infringe the claims of the '751 Patent, knowing that when the Accused  
20 Instrumentalities are used in their ordinary and customary manner, such systems  
21 constitute infringing communication systems comprising: a hardware storage medium  
22 configured to store management information of data to be transferred to the apparatus;  
23 a communicator configured to communicate data with the apparatus; a detector  
24 configured to detect whether the communication apparatus and the apparatus are  
25 connected; an editor configured to select certain data to be transferred and to edit the  
26 management information based on the selection without regard to the connection of the  
27 communication apparatus and the apparatus; and a controller configured to control  
28 transfer of the selected data stored in the communication apparatus to the apparatus via

1 the communicator based on the management information edited by the editor when the  
2 detector detects that the communication apparatus and the apparatus are connected,  
3 wherein the controller is configured to compare the management information edited by  
4 the editor with management information of data stored in the apparatus, determine a  
5 size of the selected data in the communication apparatus, and transmit data in the  
6 communication apparatus based on result of the comparison and the determination. For  
7 example, Citrix explains to customers the benefits of using the Accused  
8 Instrumentalities, such as by touting their advantages: “[A]ccess and share all your files  
9 and documents in a few simple clicks,” “Skip the messy data migration and get secure  
10 access to files and folders stored on legacy data systems, with 3rd party servicers or  
11 anywhere else. ShareFile gives users a single, secure point of access to all data,  
12 regardless of environment or endpoint.” <https://www.sharefile.com/features>. Citrix  
13 also induces its customers to use the Accused Instrumentalities to infringe other claims  
14 of the ‘751 Patent. Citrix specifically intended and was aware that the normal and  
15 customary use of the Accused Instrumentalities on compatible systems would infringe  
16 the ‘751 Patent. Citrix performed the acts that constitute induced infringement, and  
17 would induce actual infringement, with the knowledge of the ‘751 Patent and with the  
18 knowledge, or willful blindness to the probability, that the induced acts would constitute  
19 infringement. On information and belief, Citrix engaged in such inducement to promote  
20 the sales of the Accused Instrumentalities, *e.g.*, through Citrix’s user manuals, product  
21 support, marketing materials, demonstrations, installation support, and training  
22 materials to actively induce the users of the accused products to infringe the ‘751 Patent.  
23 Accordingly, Citrix has induced and continues to induce end users of the accused  
24 products to use the accused products in their ordinary and customary way with  
25 compatible systems to make and/or use systems infringing the ‘751 Patent, knowing  
26 that such use of the Accused Instrumentalities with compatible systems will result in  
27 infringement of the ‘751 Patent. Accordingly, Citrix has been (since at least as of filing  
28

1 of the original complaint), and currently is, inducing infringement of the ‘751 Patent, in  
2 violation of 35 U.S.C. § 271(b).

3 56. Citrix has also infringed, and continues to infringe, claims of the ‘751  
4 patent by offering to commercially distribute, commercially distributing, making,  
5 and/or importing the Accused Instrumentalities, which are used in practicing the  
6 process, or using the systems, of the ‘751 patent, and constitute a material part of the  
7 invention. Citrix knows the components in the Accused Instrumentalities to be  
8 especially made or especially adapted for use in infringement of the ‘751 patent, not a  
9 staple article, and not a commodity of commerce suitable for substantial noninfringing  
10 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
11 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
12 Citrix has been, and currently is, contributorily infringing the ‘751 patent, in violation  
13 of 35 U.S.C. § 271(c).

14 57. The Accused Instrumentalities include “[a] communication apparatus  
15 configured to transmit data to an apparatus, the communication apparatus comprising:  
16 a hardware storage medium configured to store management information of data to be  
17 transferred to the apparatus.” For example, the Accused Instrumentalities include a  
18 communication apparatus (e.g., clients such as, mobile devices, native desktop client,  
19 virtual desktop) comprising a hardware storage medium (e.g., Flash Drive, Hard Drive,  
20 etc.) configured to transmit data to StorageZones (e.g., Microsoft Azure or Citrix S3  
21 cloud storage, network drives). (See figure below).  
22 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
23 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

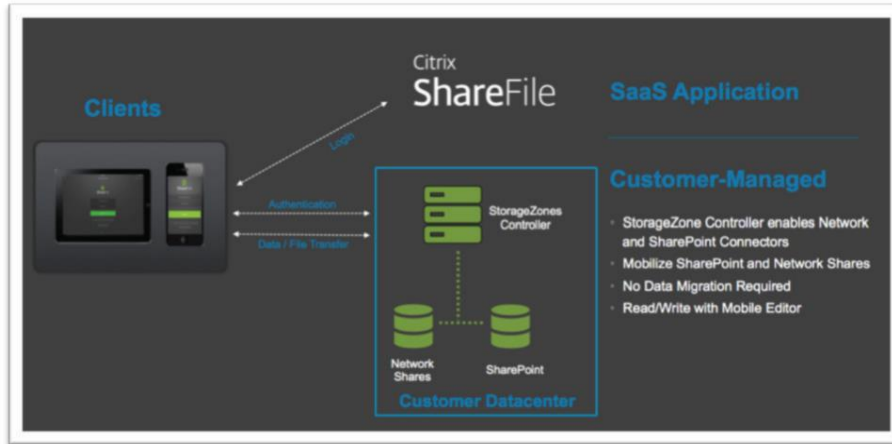
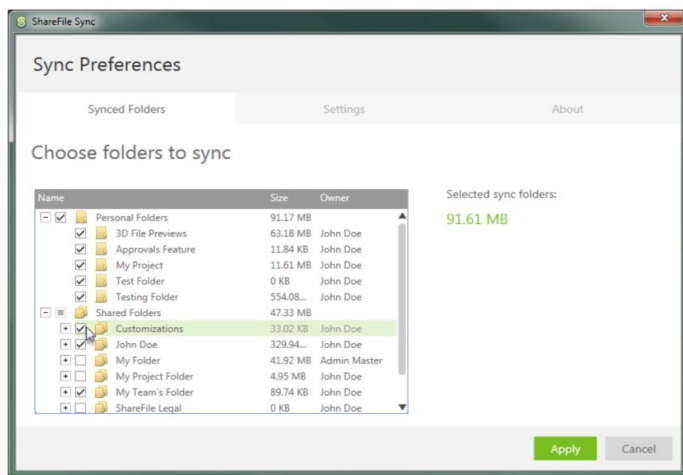


Figure 3. StorageZone Connector architecture

[https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the Accused Instrumentalities include ShareFile Sync tool that store management information of the selected files and folders to be transferred to the StorageZones (e.g., see figure below).



<https://support.citrix.com/article/CTX207683?recommended>.

58. The Accused Instrumentalities include “a communicator configured to communicate data with the apparatus.” For example, the Accused Instrumentalities

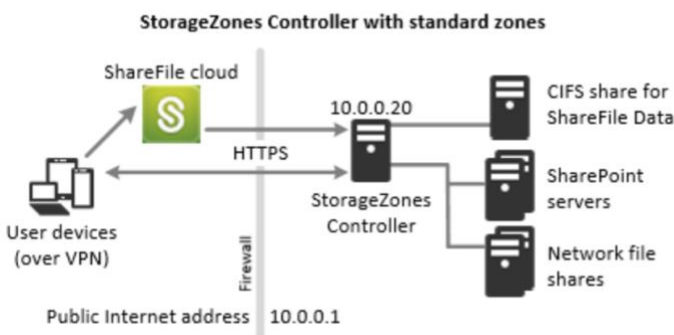


1 disclose “[F]iles are transferred through ShareFile over a secure SSL/TLS connection  
 2 and are stored at rest with AES 256-bit encryption.”  
 3 <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g.,  
 4 Data/File Transfer between Clients and Customer Datacenter in the figure below).



13 Figure 3. StorageZone Connector architecture

14 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 15 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused  
 16 Instrumentalities also provide a communicator utilizing HTTPS communication  
 17 methods to communicate between “User devices” and “StorageZones Controller.”  
 18 (e.g., See the figure below).

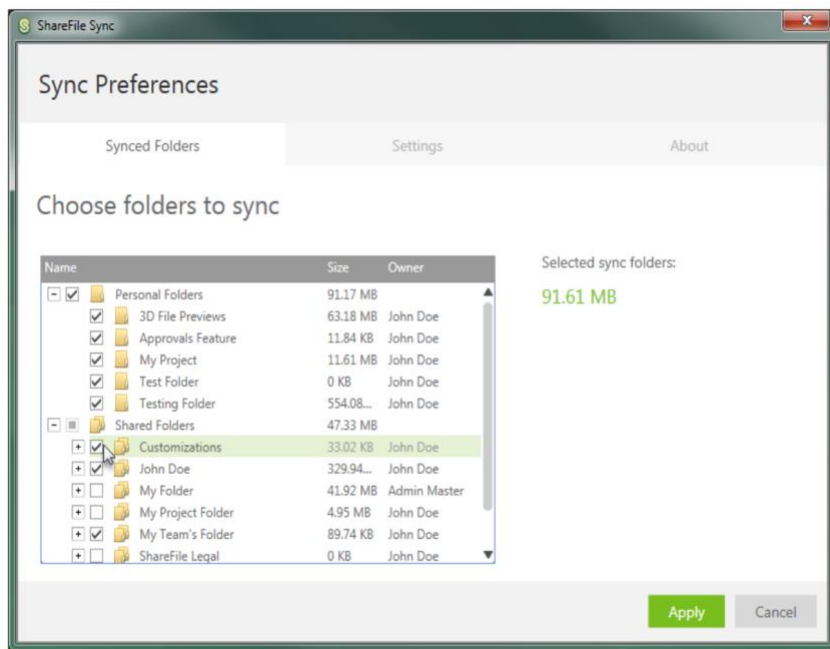


26 <https://docs.citrix.com/en-us/storagezones-controller/5-0/architecture-overview.html>

27 59. The Accused Instrumentalities include “a detector configured to detect  
 28 whether the communication apparatus and the apparatus are connected.” For example,

1 the Accused Instrumentalities include a detector configured to detect whether network  
 2 connectivity is down. For example, the Accused Instrumentalities disclose that “[I]f  
 3 internet connectivity is lost, uploads will be retried automatically when connectivity is  
 4 restored.” <https://support.citrix.com/article/CTX226351>.

5 60. The Accused Instrumentalities include “an editor configured to select  
 6 certain data to be transferred and to edit the management information based on the  
 7 selection without regard to the connection of the communication apparatus and the  
 8 apparatus.” For example, the Accused Instrumentalities let the user select folders to  
 9 synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate  
 10 which folders to sync. Click Apply to save your changes.”  
 11 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the  
 12 Accused Instrumentalities include ShareFile Sync tool that edits management  
 13 information about the selected folders’ structure to be transferred (e.g., see figure  
 14 below).



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26 <https://support.citrix.com/article/CTX207683?recommended>. Moreover, the Accused  
 27 Instrumentalities are able to edit information about the synchronized folders’ structure  
 28 even when internet connection is unavailable. For example, the Accused

1 Instrumentalities disclose “[W]hen you delete a file from your sync location, it is moved  
2 to the local Recycle Bin of your PC.”

3 <https://support.citrix.com/article/CTX207683?recommended>. The Accused

4 Instrumentalities also disclose that “[I]f you share a sync location with another user and  
5 you delete a file, the file will be moved to the local Recycle Bin of your PC and the

6 local Recycle Bin of any user currently synced to that

7 location.” <https://support.citrix.com/article/CTX207683?recommended>. As another

8 example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost,

9 uploads will be retried automatically when connectivity is restored.”

10 <https://support.citrix.com/article/CTX226351>.

11 61. The Accused Instrumentalities includes “a controller configured to control

12 transfer of the selected data stored in the communication apparatus to the apparatus via

13 the communicator based on the management information edited by the editor when the

14 detector detects that the communication apparatus and the apparatus are connected.”

15 For example, the Accused Instrumentalities let the user select folders to synchronize

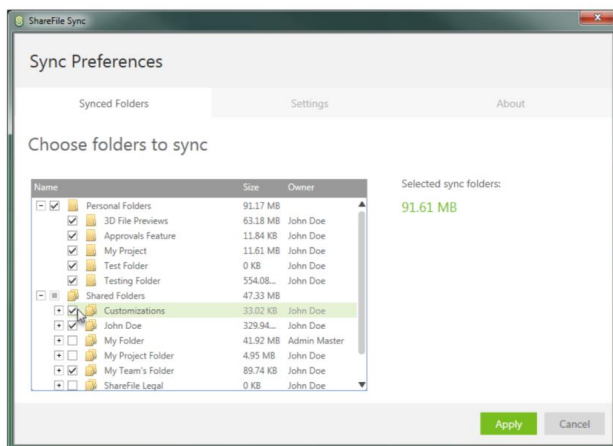
16 (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to

17 sync. Click Apply to save your changes.”

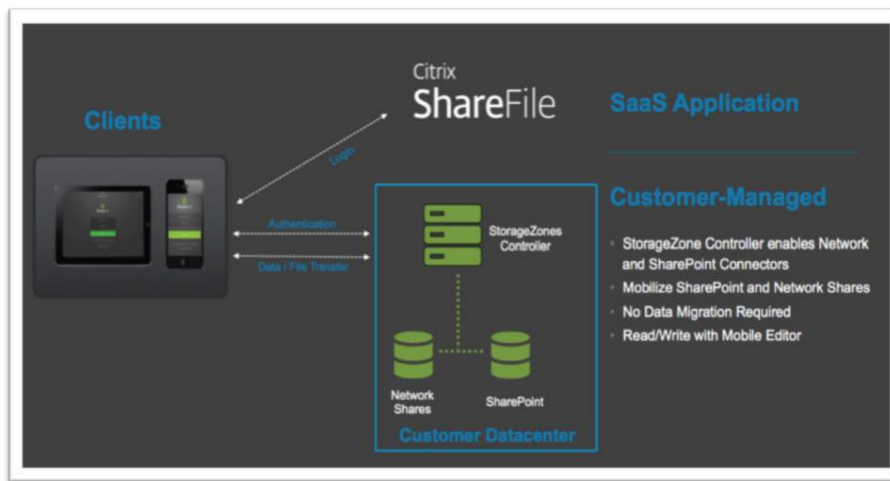
18 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the

19 Accused Instrumentalities include ShareFile Sync tool that controls the transfer of the

20 selected folders (e.g., see figure below).



1 <https://support.citrix.com/article/CTX207683?recommended>. As another example, the  
 2 Accused Instrumentalities disclose “[F]iles are transferred through ShareFile over a  
 3 secure SSL/TLS connection and are stored at rest with AES 256-bit encryption.”  
 4 <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g.,  
 5 Data/File Transfer between Clients and Customer Datacenter in the figure below).

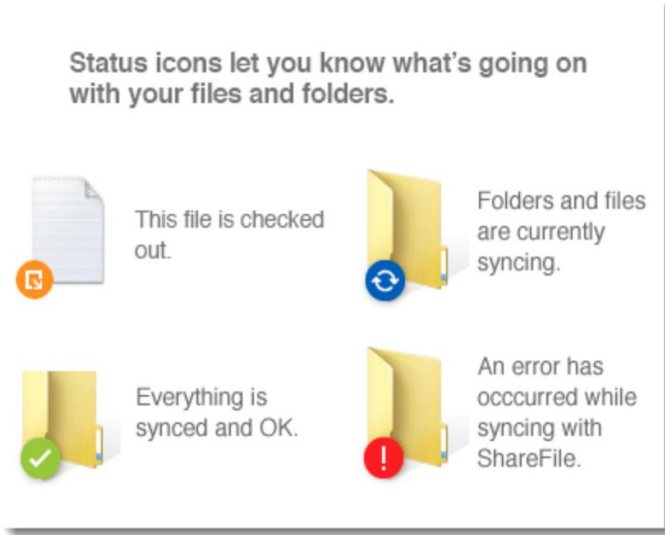


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14 Figure 3. StorageZone Connector architecture

15 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 16 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). Moreover, the Accused  
 17 Instrumentalities detect whether client devices and StorageZones datacenters are  
 18 connected. As such, the Accused Instrumentalities disclose that “[I]f internet  
 19 connectivity is lost, uploads will be retried automatically when connectivity is  
 20 restored.” <https://support.citrix.com/article/CTX226351>.

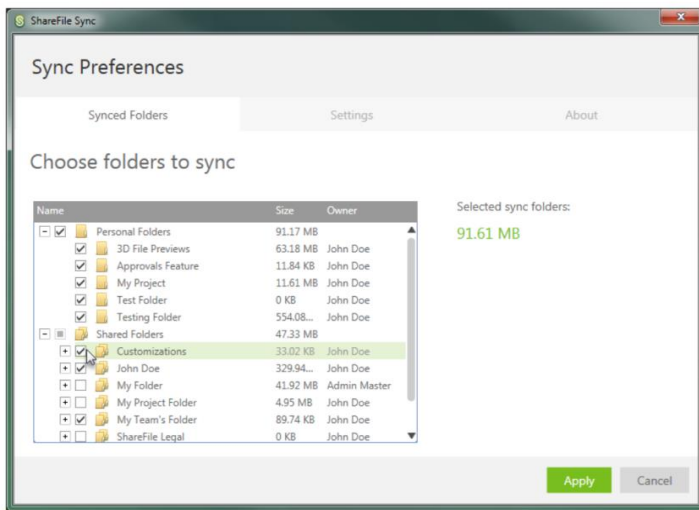
21 62. The Accused Instrumentalities further includes a controller configured to  
 22 “compare the management information edited by the editor with management  
 23 information of data stored in the apparatus.” For example, the Accused  
 24 Instrumentalities provide folders and files synchronization status indicators. As such,  
 25 synchronization status indicators may indicate whether folders or files are synced or in  
 26 the process of syncing (e.g., “You can view currently syncing and synced files, currently  
 27 checked out files, start or pause the Sync process...”).  
 28 <https://support.citrix.com/article/CTX207683?recommended> and figure below).

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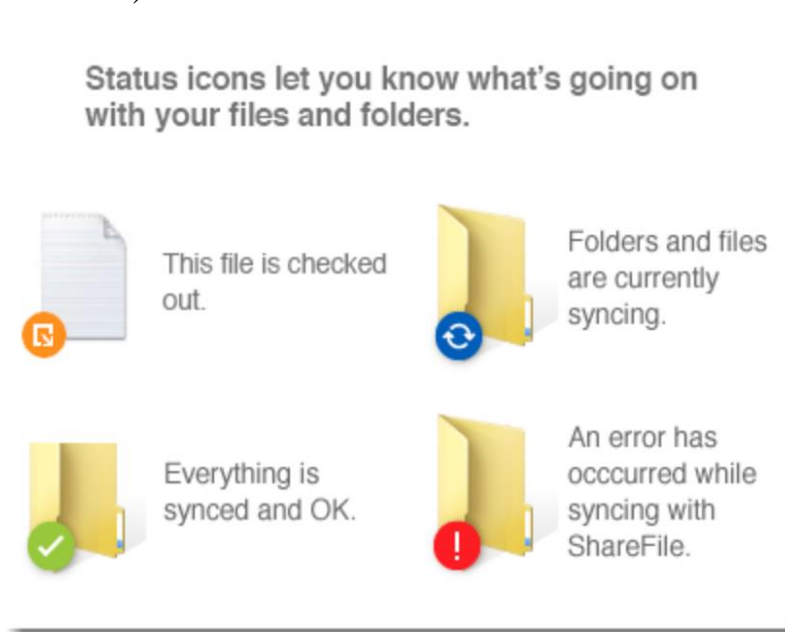
<https://support.citrix.com/article/CTX234889>.

63. The Accused Instrumentalities further include a controller configured to “determine a size of the selected data in the communication apparatus.” For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the Accused Instrumentalities include ShareFile Sync tool that determines the total size of the selected files and folders (e.g., 91.61 MB, see figure below).



<https://support.citrix.com/article/CTX207683?recommended>.

1           64. The Accused Instrumentalities further includes a controller configured to  
 2 “transmit data in the communication apparatus based on result of the comparison and  
 3 the determination.” For example, the Accused Instrumentalities provide folders and  
 4 files synchronization status indicators. As such, synchronization status indicators may  
 5 indicate whether folders or files are synced or in the process of syncing (e.g., “You can  
 6 view currently syncing and synced files, currently checked out files, start or pause the  
 7 Sync process... .” <https://support.citrix.com/article/CTX207683?recommended> and  
 8 figure below).



23 <https://support.citrix.com/article/CTX234889>.

24           65. Citrix also infringes other claims of the ‘751 Patent, directly and through  
 25 inducing infringement and contributory infringement.

26           66. By making, using, offering for sale, selling and/or importing into the  
 27 United States the Accused Instrumentalities, and touting the benefits of using the  
 28 Accused Instrumentalities’ accused features, Citrix has injured Data Scape and is liable  
 to Data Scape for infringement of the ‘751 Patent pursuant to 35 U.S.C. § 271.

          67. As a result of Citrix’s infringement of the ‘751 Patent, Plaintiff Data Scape  
 is entitled to monetary damages in an amount adequate to compensate for Citrix’s

1 infringement, but in no event less than a reasonable royalty for the use made of the  
2 invention by Citrix, together with interest and costs as fixed by the Court.

3 **COUNT IV**

4 **INFRINGEMENT OF U.S. PATENT NO. 9,715,893**

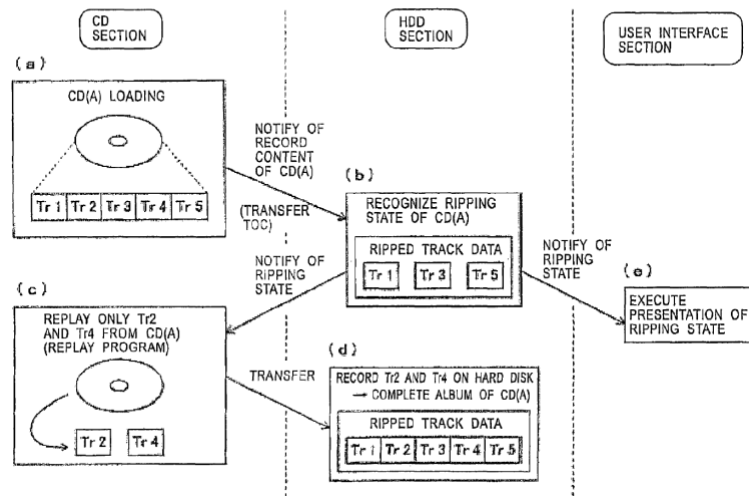
5 68. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
6 as if fully set forth herein. Data Scape is the owner by assignment of United States  
7 Patent No. 9,715,893 (“the ‘893 Patent”) entitled “Recording apparatus, server  
8 apparatus, recording method, program and storage medium.” The ‘893 Patent was duly  
9 and legally issued by the United States Patent and Trademark Office on Jul. 25, 2017.  
10 A true and correct copy of the ‘893 Patent is included as Exhibit D.

11 69. In their most basic forms, and ignoring many claim limitations, the claims  
12 are directed to with a communication apparatus configured to automatically and  
13 selectively transmit certain digital data between first and second storage media based  
14 on a comparison of management data stored in the storage medium and displaying a  
15 symbolic figure showing the transfer status of the files being transferred. The claims are  
16 not directed to abstract ideas. The claims provide technical solutions to technical  
17 problems, and, thus, are patent-eligible.

18 70. As the ‘893 Patent status, the inventors, Koji Hirano, Shoji Inagaki, and  
19 Ryuichiro Togashi, working at Sony Corporation, aimed to solve the problems skilled  
20 artisans in 2002 faced when trying to selectively transfer data between two electronic  
21 apparatuses. *E.g.*, ‘893 Patent at 2:63-4:7. For example, when optical disks were used  
22 to transfer files to a hard drive, it would often result in duplication of files in the hard  
23 drive. *Id.* at 2:3-2:16. This would result in both unnecessary storage of duplicate files  
24 on the hard dive as well as lost time associated with transfer of the duplicate files. *Id.* at  
25 2:11-22. No reasonable way to selectively synchronize the data, except to have the user  
26 manually search for duplicates before transferring the data. *Id.* at 2:33-59. These  
27 problems were specific to the technological process of automatic and selective digital-  
28 data transfer between electronic apparatuses. *Id.* at 1:34-2:59. And with 30 columns of

1 text and 19 figures, including Figure 2 below, the inventors taught various technical  
 2 solutions involving an unconventional server with an apparatus including circuitry  
 3 configured to compare certain digital management information:

FIG. 2



71. Enabled by these teachings, the patent recite in its claims various technical  
 16 solutions to the existing technological problems and shortcomings. For example,  
 17 various claims require the then-unconventional system of electronic components  
 18 configured to automatically use digital “management data” to compare and selectively  
 19 transfer separate digital content data between two apparatuses and the display of a  
 20 symbolic figure showing the transfer status. *See, e.g.*, ‘893 Patent, Claim 32 (“[a]n  
 21 information processing apparatus comprising circuitry configured to: [a] automatically  
 22 read the first management data from a first storage medium, the first management data  
 23 identifying files of source data recorded on the first storage medium; [b] automatically  
 24 identifying one of the files of source data based on the first management data and second  
 25 management data, the second management identifying files of transferred data stored  
 26 on a second storage medium, the one of the files of source data being absent from the  
 27 second storage medium; [c] automatically transfer the one of the files of source data to  
 28 the second storage medium, the one of the files of source data being transferred become



1 one of the files of transferred data; and [d] automatically output transferring status of  
2 the one of the files of source data by a symbolic figure.”).

3 72. The ‘893 patent and its file history make clear that each included  
4 independent-claim limitations were not in the prior art, let alone well-understood,  
5 routine, and conventional. This includes the claimed information processing apparatus  
6 comprising circuitry configured to: automatically read the first management data from  
7 a first storage medium, the first management data identifying files of source data  
8 recorded on the first storage medium; automatically identifying one of the files of source  
9 data based on the first management data and second management data, the second  
10 management identifying files of transferred data stored on a second storage medium,  
11 the one of the files of source data being absent from the second storage medium;  
12 automatically transfer the one of the files of source data to the second storage medium,  
13 the one of the files of source data being transferred become one of the files of transferred  
14 data; and automatically output transferring status of the one of the files of source data  
15 by a symbolic figure. And the dependent claims also include limitations that were not  
16 in the prior art, let alone well-understood, routine, and conventional. *See, e.g.*,  
17 limitations of claims 33-43 of the ’893 patent.

18 73. On information and belief, Citrix has offered for sale, sold and/or imported  
19 into the United States Citrix products and services that infringe the ‘893 patent, and  
20 continues to do so. By way of illustrative example, these infringing products and  
21 services include, without limitation, Citrix’s products and services, *e.g.*, ShareFile,  
22 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations  
23 thereof since the issuance of the ‘893 Patent (“Accused Instrumentalities”).

24 74. On information and belief, Citrix has directly infringed and continues to  
25 infringe the ‘893 Patent, for example, by making, selling, offering for sale, and/or  
26 importing the Accused Instrumentalities, and through its own use and testing of the  
27 Accused Instrumentalities, which constitute an information processing apparatus of  
28 Claim 32 of the ‘893 Patent comprising: circuitry configured to automatically read first

1 management data from a first storage medium, the first management data identifying  
2 files of source data recorded on the first storage medium, automatically identifying one  
3 of the files of source data based on the first management data and second management  
4 data, the second management data identifying files of transferred data stored on a  
5 second storage medium, the one of the files of source data being absent from the second  
6 storage medium, automatically transfer the one of the files of source data to the second  
7 storage medium, the one of the files of the source data being transferred becoming one  
8 of the files of transferred data, and automatically output transferring status of the one of  
9 the files of source data by a symbolic figure. Upon information and belief, Citrix uses  
10 the Accused Instrumentalities, which are infringing systems, for its own internal non-  
11 testing business purposes, while testing the Accused Instrumentalities, and while  
12 providing technical support and repair services for the Accused Instrumentalities to  
13 Citrix's customers.

14 75. On information and belief, Citrix has had knowledge of the '893 Patent  
15 since at least the filing of the original Complaint in this action, or shortly thereafter, and  
16 on information and belief, Citrix knew of the '893 Patent and knew of its infringement,  
17 including by way of this lawsuit. By the time of trial, Citrix will have known and  
18 intended (since receiving such notice) that their continued actions would actively induce  
19 and contribute to the infringement of the claims of the '893 Patent.

20 76. On information and belief, use of the Accused Instrumentalities in their  
21 ordinary and customary fashion results in infringement of the claims of the '893 Patent.

22 77. Citrix's affirmative acts of making, using, selling, offering for sale, and/or  
23 importing the Accused Instrumentalities have induced and continue to induce users of  
24 the Accused Instrumentalities to use the Accused Instrumentalities in their normal and  
25 customary way to infringe the claims of the '893 Patent, knowing that when the Accused  
26 Instrumentalities are used in their ordinary and customary manner, such systems  
27 constitute an infringing information processing apparatus comprising: circuitry  
28 configured to automatically read first management data from a first storage medium,

1 the first management data identifying files of source data recorded on the first storage  
2 medium, automatically identifying one of the files of source data based on the first  
3 management data and second management data, the second management data  
4 identifying files of transferred data stored on a second storage medium, the one of the  
5 files of source data being absent from the second storage medium, automatically transfer  
6 the one of the files of source data to the second storage medium, the one of the files of  
7 the source data being transferred becoming one of the files of transferred data, and  
8 automatically output transferring status of the one of the files of source data by a  
9 symbolic figure. For example, Citrix explains to customers the benefits of using the  
10 Accused Instrumentalities, such as by touting their advantages: “Access and share all  
11 your files and documents in a few simple clicks,” “Skip the messy data migration and  
12 get secure access to files and folders stored on legacy data systems, with 3rd party  
13 servicers or anywhere else. ShareFile gives users a single, secure point of access to all  
14 data, regardless of environment or endpoint.” <https://www.sharefile.com/features>.  
15 Citrix also induces its customers to use the Accused Instrumentalities to infringe other  
16 claims of the ‘893 Patent. Citrix specifically intended and was aware that the normal  
17 and customary use of the Accused Instrumentalities on compatible systems would  
18 infringe the ‘893 Patent. Citrix performed the acts that constitute induced infringement,  
19 and would induce actual infringement, with the knowledge of the ‘893 Patent and with  
20 the knowledge, or willful blindness to the probability, that the induced acts would  
21 constitute infringement. On information and belief, Citrix engaged in such inducement  
22 to promote the sales of the Accused Instrumentalities, *e.g.*, through Citrix’s user  
23 manuals, product support, marketing materials, demonstrations, installation support,  
24 and training materials to actively induce the users of the accused products to infringe  
25 the ‘893 Patent. Accordingly, Citrix has induced and continues to induce end users of  
26 the accused products to use the accused products in their ordinary and customary way  
27 with compatible systems to make and/or use systems infringing the ‘893 Patent,  
28 knowing that such use of the Accused Instrumentalities with compatible systems will

1 result in infringement of the ‘893 Patent. Accordingly, Citrix has been (since at least  
2 of filing of the original complaint), and currently is, inducing infringement of the ‘893  
3 Patent, in violation of 35 U.S.C. § 271(b).

4 78. Citrix has also infringed, and continues to infringe, claims of the ‘893  
5 patent by offering to commercially distribute, commercially distributing, making,  
6 and/or importing the Accused Instrumentalities, which are used in practicing the  
7 process, or using the systems, of the ‘893 patent, and constitute a material part of the  
8 invention. Citrix knows the components in the Accused Instrumentalities to be  
9 especially made or especially adapted for use in infringement of the ‘893 patent, not a  
10 staple article, and not a commodity of commerce suitable for substantial noninfringing  
11 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
12 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
13 Citrix has been, and currently is, contributorily infringing the ‘893 patent, in violation  
14 of 35 U.S.C. § 271(c).

15 79. The Accused Instrumentalities include “[a]n information processing  
16 apparatus, comprising: circuitry configured to automatically read first management data  
17 from a first storage medium, the first management data identifying files of source data  
18 recorded on the first storage medium.” For example, the Accused Instrumentalities  
19 include an information processing apparatus (e.g., Clients, such as e.g., mobile devices,  
20 native desktop client, virtual) having a first storage medium communicating with  
21 StorageZones having a second storage medium (e.g., Microsoft Azure or Citrix S3 cloud  
22 storage, network drives).

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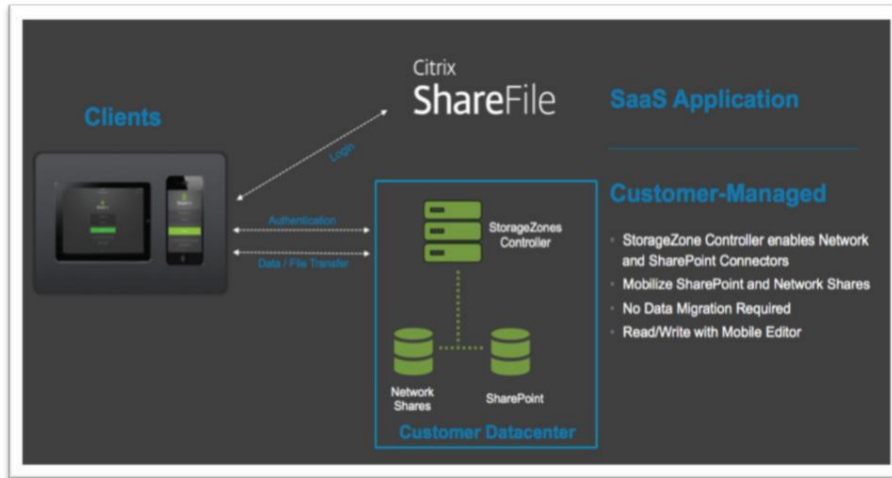


Figure 3. StorageZone Connector architecture

[https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused Instrumentalities read first management data listing files and folders stored on the first storage medium. (e.g., “Users with appropriate access will see a connected SharePoint library or network file share in the ShareFile client interface under Folders.”).

Users with appropriate access will see a connected SharePoint library or network file share in the ShareFile client interface under **Folders > SharePoint or Folders > Network Shares** referenced in Figure 3.

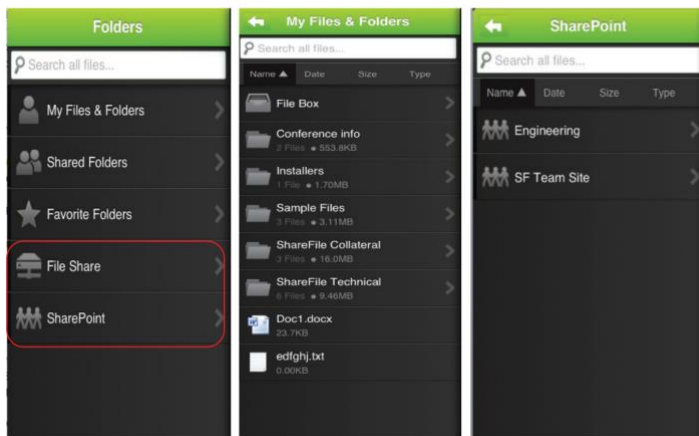
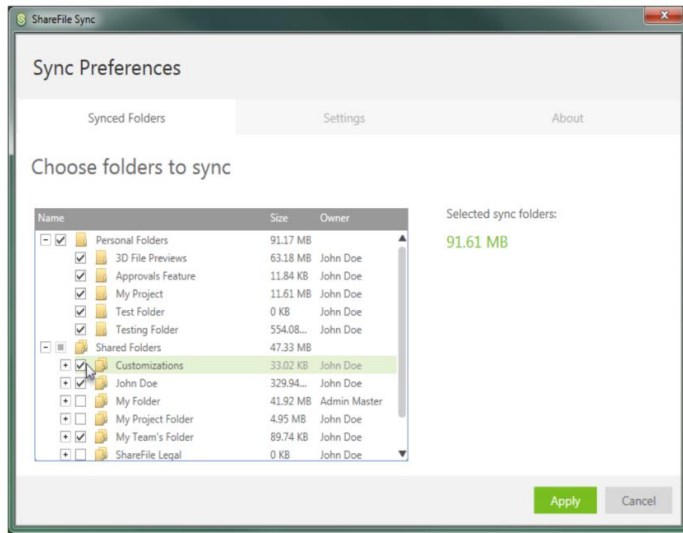


Figure 3. Folder structure in the ShareFile mobile client interface

[https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf). As another example, the Accused Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to sync.”).

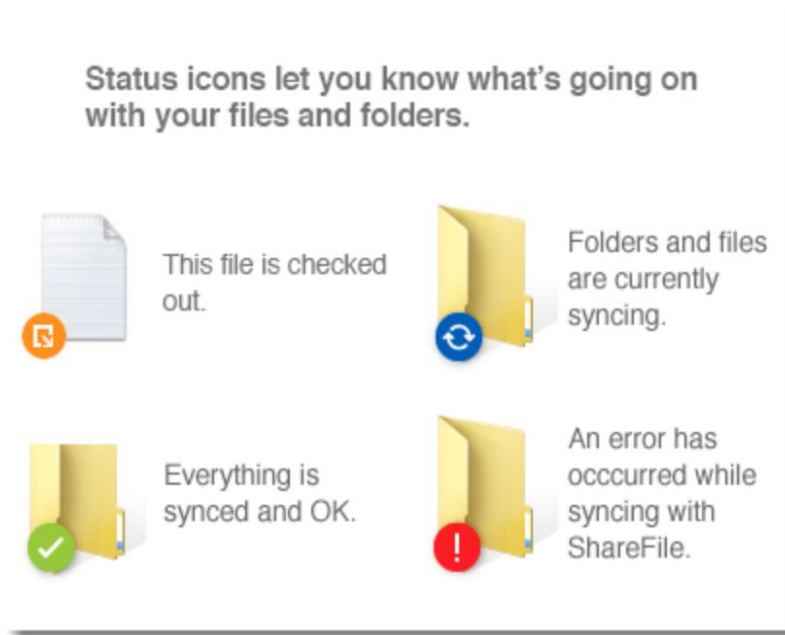
1 Click Apply to save your changes.”  
 2 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the  
 3 Accused Instrumentalities include ShareFile Sync tool that reads first management data  
 4 identifying files and folders recorded on the first storage medium included in the client  
 5 devices (e.g., see figure below).



15 <https://support.citrix.com/article/CTX207683?recommended>.

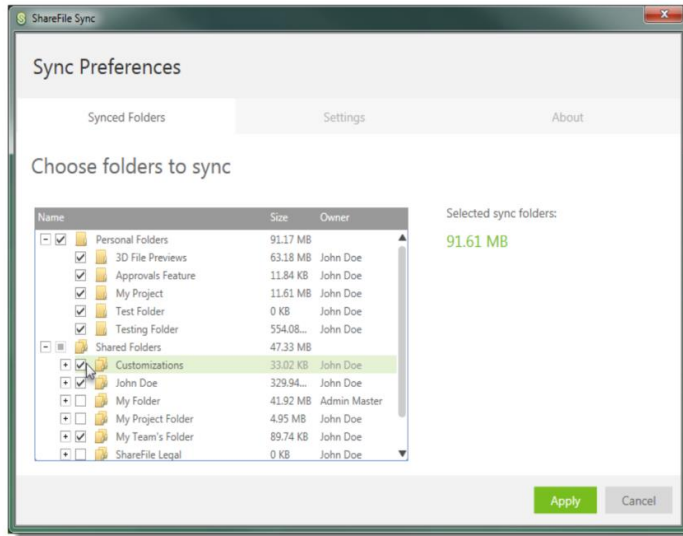
16 80. The Accused Instrumentalities include circuitry configured to  
 17 “automatically identifying one of the files of source data based on the first management  
 18 data and second management data, the second management data identifying files of  
 19 transferred data stored on a second storage medium, the one of the files of source data  
 20 being absent from the second storage medium.” For example, the Accused  
 21 Instrumentalities provide folders and files synchronization status indicators. As such,  
 22 synchronization status indicators may indicate whether folders or files are synced or in  
 23 the process of syncing (e.g., “You can view currently syncing and synced files, currently  
 24 checked out files, start or pause the Sync process...”).  
 25 <https://support.citrix.com/article/CTX207683?recommended> and figure below).

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<https://support.citrix.com/article/CTX234889>.

81. The Accused Instrumentalities further include circuitry configured to “automatically transfer the one of the files of source data to the second storage medium, the one of the files of the source data being transferred becoming one of the files of transferred data.” For example, the Accused Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the Accused Instrumentalities include ShareFile Sync tool that stores information about the selected files and folders to be automatically transferred to the second storage medium (e.g., see figure below).



10 <https://support.citrix.com/article/CTX207683?recommended>. As another example, the  
 11 synchronization process transfers files and folders from the client devices to datacenters  
 12 controlled by (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives). (e.g.,  
 13 See figure below).

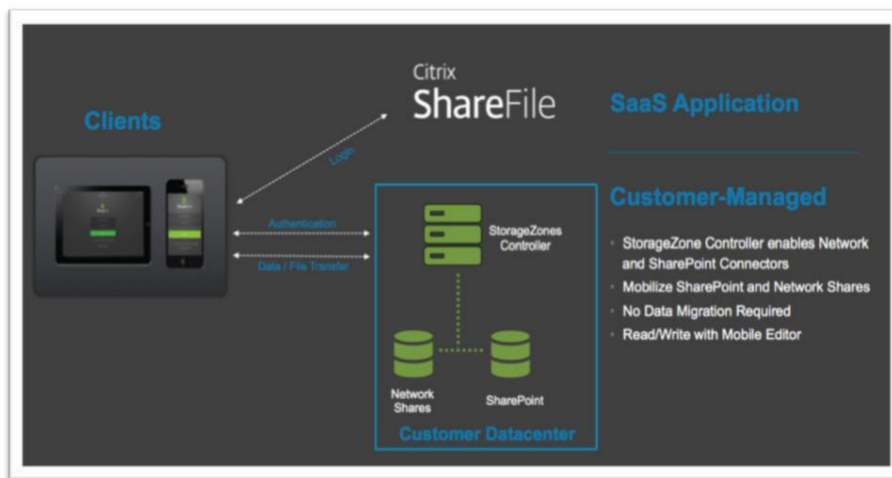


Figure 3. StorageZone Connector architecture

23 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 24 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

25 82. The Accused Instrumentalities further include circuitry configured to  
 26 “automatically output transferring status of the one of the files of source data by a  
 27 symbolic figure.” For example, the synchronization process transfers files and folders  
 28



1 from the client devices to datacenters controlled by (e.g., Microsoft Azure or Citrix S3  
 2 cloud storage, network drives). (e.g., See figure below).

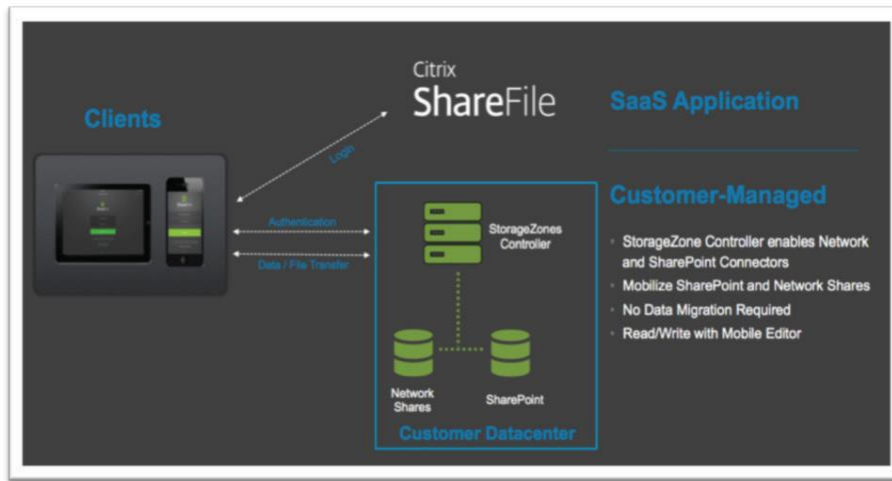
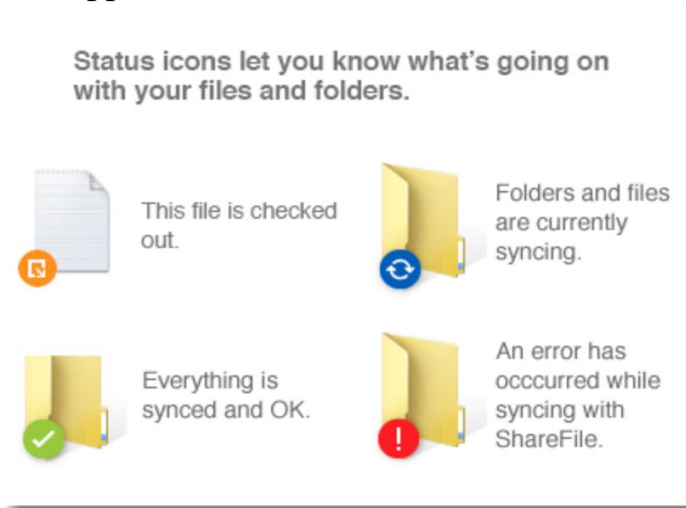


Figure 3. StorageZone Connector architecture

12 [https://www.citrix.com/content/dam/citrix/en\\_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)  
 13 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). As another example, the Accused  
 14 Instrumentalities provide folders and files synchronization status indicators. As such,  
 15 synchronization status indicators may indicate whether folders or files are synced or in  
 16 the process of syncing (e.g., “You can view currently syncing and synced files, currently  
 17 checked out files, start or pause the Sync process... .”  
 18 <https://support.citrix.com/article/CTX207683?recommended> and figure below).



28 <https://support.citrix.com/article/CTX234889>.

1 83. Citrix also infringes other claims of the ‘893 Patent, directly and through  
2 inducing infringement and contributory infringement.

3 84. By making, using, offering for sale, selling and/or importing into the  
4 United States the Accused Instrumentalities, and touting the benefits of using the  
5 Accused Instrumentalities’ accused features, Citrix has injured Data Scape and is liable  
6 to Data Scape for infringement of the ‘893 Patent pursuant to 35 U.S.C. § 271.

7 85. As a result of Citrix’s infringement of the ‘893 Patent, Plaintiff Data Scape  
8 is entitled to monetary damages in an amount adequate to compensate for Citrix’s  
9 infringement, but in no event less than a reasonable royalty for the use made of the  
10 invention by Citrix, together with interest and costs as fixed by the Court.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff Data Scape respectfully requests that this Court enter:

- 13 a. A judgment in favor of Plaintiff that Defendant has infringed, literally  
14 and/or under the doctrine of equivalents the ’929 Patent, ’537 Patent, ’751  
15 Patent, and ‘893 Patent (the “asserted patents”);
- 16 b. A judgment and order requiring Defendant to pay Plaintiff its damages,  
17 costs, expenses, and prejudgment and post-judgment interest for its  
18 infringement of the asserted patents, as provided under 35 U.S.C. § 284;
- 19 c. A judgment and order requiring Defendant to provide an accounting and  
20 to pay supplemental damages to Data Scape, including without limitation,  
21 prejudgment and post-judgment interest;
- 22 d. A permanent injunction prohibiting Defendant from further acts of  
23 infringement of the asserted patents;
- 24 e. A judgment and order finding that this is an exceptional case within the  
25 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable  
26 attorneys’ fees against Citrix Systems; and
- 27 f. Any and all other relief as the Court may deem appropriate and just under  
28 the circumstances.

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**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.

Respectfully Submitted,

Dated: March 25, 2019

/s/ Reza Mirzaie  
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