**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATA SCAPE LIMITED, Plaintiff, v. AMAZON.COM, INC.; and AMAZON DIGITAL SERVICES, LLC, Defendants.	C.A. No. 6:19-cv-00314 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Data Scape Limited ("Plaintiff," "Data Scape") makes the following allegations against Defendants Amazon.com, Inc., and Amazon Digital Services, LLC (collectively, "Defendant" or "Amazon"):

PARTIES

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

2.   On information and belief, Defendant Amazon Digital Services, LLC is a Delaware limited liability company with a principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon Digital Services, LLC can be served with process through its registered agent, the Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3.   On information and belief, Defendant Amazon.com, Inc. is a Delaware corporation with its principal office at 410 Terry Avenue North, Seattle, WA 98109. Amazon.com can be served through its registered agent, Corporation Service Company,

1

2711 Centerville Rd., Wilmington, DE 19808. Amazon.com, Inc. is the parent company of

Amazon Digital Services, LLC. Amazon.com, Inc., and Amazon Digital Services, LLC are

collectively referred herein as "Amazon."

4.   Amazon has a regular and established place of business including, e.g.,

distribution facilities, employees, and other business. For example, Amazon has a

fulfillment center at 2093, 2209 Rutland Drive., Austin, TX 78758. Further, Amazon

currently employs over 5,600 workers in the Austin area and has plans to add over 800

additional   jobs.   https://www.statesman.com/news/20190328/amazon-plans-austin-

expansion-that-will-add-800-jobs. Further, Amazon's website lists over 300 jobs available

in the Austin area.   https://www.amazon.jobs/en/locations/austin.   Amazon offers its

products and services, including those accused herein of infringement, to customers located

in Austin. Amazon derives financial benefits through its business in Austin.

JURISDICTION AND VENUE

5.   This action arises under the patent laws of the United States, Title 35 of the

United States Code. This Court has original subject matter jurisdiction pursuant to 28

U.S.C. §§ 1331 and 1338(a).

6.   This Court has personal jurisdiction over Defendant in this action because

Defendant has committed acts within the Western District of Texas giving rise to this action

and has established minimum contacts with this forum such that the exercise of jurisdiction

over Defendant would not offend traditional notions of fair play and substantial justice.

Each defendant, directly and through subsidiaries or intermediaries, has committed and

continues to commit acts of infringement in this District by, among other things, offering

to sell and selling products and/or services that infringe the asserted patents.

7.   Venue is proper in this district under 28 U.S.C. § 1400(b). Defendant has established places of business in the Western District of Texas. Defendant is registered to do business in Texas. Upon information and belief, each Defendant has transacted business in this District and has committed acts of direct and indirect infringement in this District.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 10,277,675

8.   Data Scape is the owner by assignment of United States Patent No. 10,277,675 ("the '675 Patent"), entitled "Communication System And Its Method and Communication Apparatus And Its Method." The '675 Patent was duly and legally issued by the United States Patent and Trademark Office on April 30, 2019. A true and correct copy of the '675 Patent is included as Exhibit A.

9.   Defendant has offered for sale, sold and/or imported into the United States products and services that infringe the '675 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant's products and services, *e.g.*, without limitation, Amazon's products and services, *e.g.*, Amazon Kindle, Amazon Photo, Amazon Drive, Amazon Prime Music, Amazon Music Unlimited, Amazon devices on which they operate (e.g., Fire, Echo, Kindle, Amazon servers, etc.), and all versions and variations thereof since the issuance of the '675 Patent ("Accused Instrumentalities").

10.   Defendant has directly infringed and continues to infringe the '675 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities. Defendant uses the Accused Instrumentalities for its own internal non-testing business

3

purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to its customers.

11.   For example, the Accused Instrumentalities infringe Claim 1 (and certain of its dependents) of the '675 Patent. Only Claim 1 and certain of its dependent claims are asserted in this action. One non-limiting example of the Accused Instrumentalities' infringement is presented below:

12.   The Accused Instrumentalities include "a communication system including a first apparatus having a first hardware storage medium, and a second apparatus." For example, the Accused Instrumentalities communicate and transfer a document stored on one device (e.g. desktop computer, laptop computer, tablet, mobile smart phone, server with Amazon software) to another device (e.g. desktop computer, laptop computer, tablet, mobile smart phone, server with Amazon software):

Sync Files Using Amazon Photos for Desktop

The Amazon Drive folder on your computer can be synchronized with the files in your Amazon Photos account online.

With synchronization, you can make changes to your files on Amazon Photos from the Amazon Drive folder on your computer. This includes actions like adding, moving, copying, and deleting. The synchronization feature is on by default.

To select or deselect folders to synchronize using the Amazon Photos Desktop application:

1. Open Amazon Photos for Desktop in your computer's taskbar (PC) or menu bar (Mac).
2. Click the **Settings** icon, then click **Preferences.**
3. In the **Sync** tab, click **Choose folders.**
4. Select the files or folders from your Amazon Drive that you want to sync.
5. Click **Sync.**

Note: Amazon Photos for Desktop allows you to upload large files, including files larger than 2 GB in size. You can upload individual files up to 48.82 GB in size. In certain cases, the maximum file upload size may be lower than 48.82 GB due to limitations outside of our service. This includes limitations with your computer's web browser settings or specifications.

https://www.amazon.com/gp/help/customer/display.html?nodeId=20209827.

13.   The Accused Instrumentalities include "a second apparatus comprising a second hardware storage medium configured to store management information of data to be transferred to said first storage medium." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server both include storage and are each an example of a first storage medium and are also each an example of a second storage medium. The second storage medium is configured to store management information, including, e.g., one or more of the information depicted below.

I did what any engineer would do, and whipped out dtrace. A little probing found the problem. The sync client was doing a staggering number of tiny, scattered I/O operations. This probably has something to do with their heavy use of SQLite. Check this out:

```
~/Library/Application Support/Amazon Cloud Drive$ ls -l
-rw-r--r--   1 mim  eng  758280192 Jul 31 00:58 amzn1.account.MSSM74Z-cloud.db
-rw-r--r--   1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-cloud.db-shm
-rw-r--r--   1 mim  eng  212966952 Jul 31 14:55 amzn1.account.MSSM74Z-cloud.db-wal
-rw-r--r--   1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-download.db
-rw-r--r--   1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-download.db-shm
-rw-r--r--   1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-download.db-wal
-rw-r--r--   1 mim  eng        129 May 28 14:25 amzn1.account.MSSM74Z-settings.json
-rw-r--r--   1 mim  eng   81358848 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db
-rw-r--r--   1 mim  eng      65536 Jul 31 14:31 amzn1.account.MSSM74Z-sync.db-shm
-rw-r--r--   1 mim  eng   44982192 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db-wal
-rw-r--r--   1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-uploads.db
-rw-r--r--   1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-uploads.db-shm
-rw-r--r--   1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-uploads.db-wal
-rw-r--r--   1 mim  eng        352 Jul 31 13:01 app-settings.json
-rw-r--r--   1 mim  eng        368 May 28 14:24 refresh-token
-rw-r--r--   1 mim  eng         32 May 28 14:23 serial-number
~/Library/Application Support/Amazon Cloud Drive$ sqlite3 amzn1.account.MSSM74Z-cloud.db 's
elect count(*) from nodes;'
1077668
~/Library/Application Support/Amazon Cloud Drive$
```

https://little418.com/2017/07/moving-out-of-amazon-drive.html

14.   The Accused Instrumentalities include "a second apparatus comprising a hardware interface configured to communicate data with said first apparatus. For example, the Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a communicator configured to communicate with each other.

15.   The Accused Instrumentalities include "a second apparatus comprising a processor configured to detect whether said first apparatus and said second apparatus are connected." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a detector that detects whether they are connected. For example, below screen capture from an Amazon Drive client indicates whether there is any "internet connection."
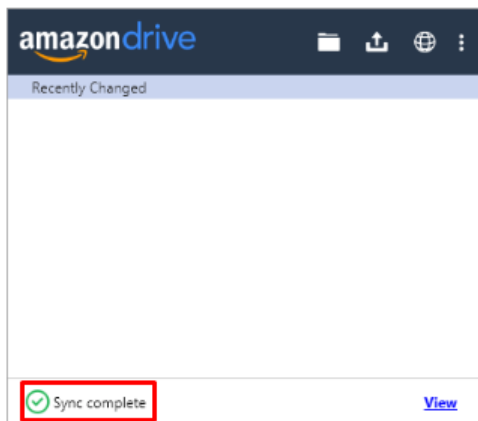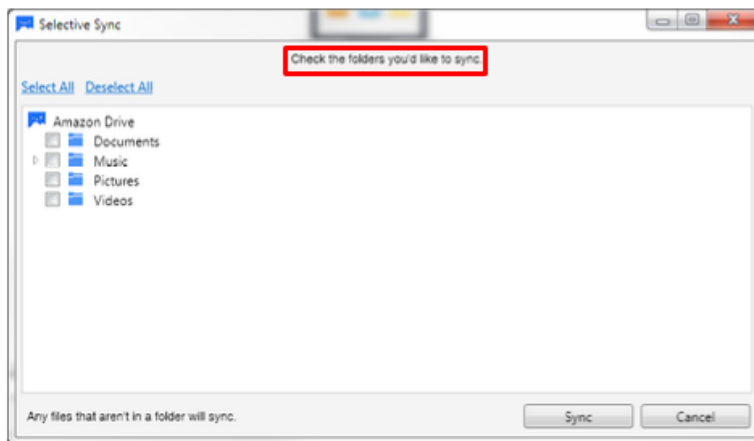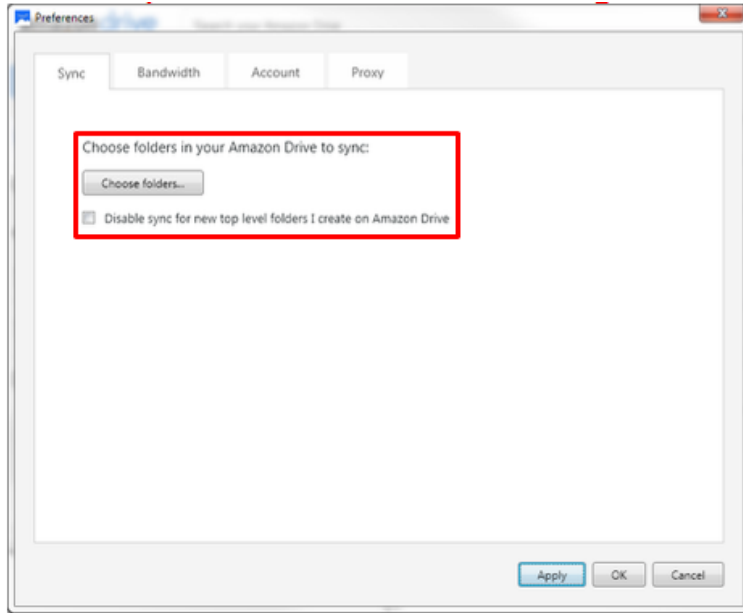

16.   The Accused Instrumentalities include "a second apparatus comprising a processor configured to select certain data to be transferred." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes an editor configured to select certain data to be transferred and to edit the

management information based on the selection. For example, Amazon Drive client allows

such a selection, as illustrated below.
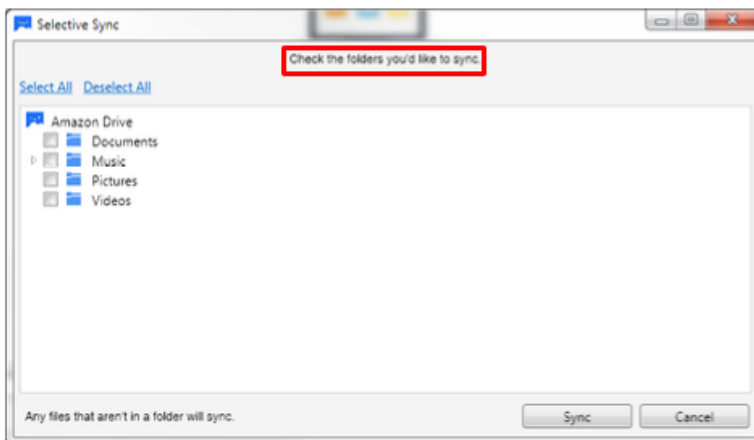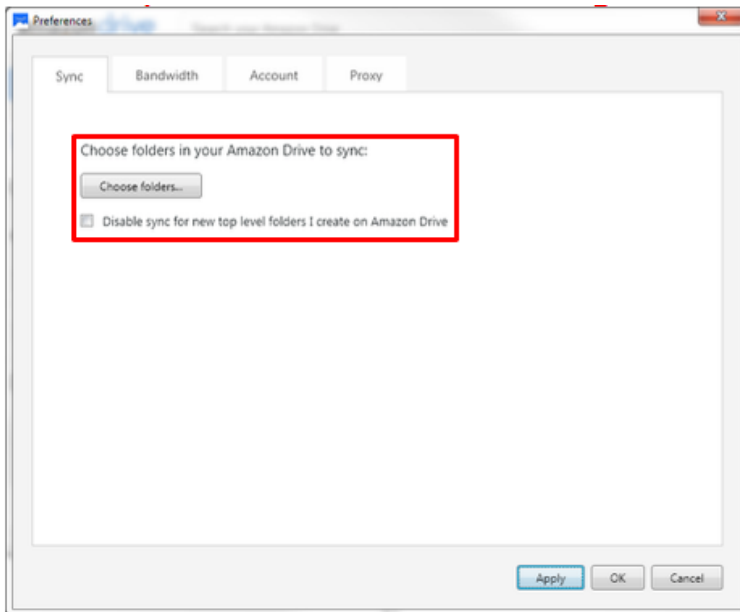
17.   The Accused Instrumentalities include "a second apparatus comprising a processor configured to edit said management information based on said selection without regard to the connection of said first apparatus and said second apparatus." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes an editor configured to select certain data to be transferred and to edit the management information based on the selection without regard to the connection to each other. For example, Amazon Drive client allows such a selection, as illustrated below.

18.   The Accused Instrumentalities include "a second apparatus comprising a processor configured to compare said management information edited by said processor with management information of data stored in said first storage medium." For example, management information, including, e.g., one or more of the information depicted below, are compared to transmit data based on result of the comparison.

9

I did what any engineer would do, and whipped out `dtrace`. A little probing found the problem. The sync client was doing a staggering number of tiny, scattered I/O operations. This probably has something to do with their heavy use of SQLite. Check this out:

```
~/Library/Application Support/Amazon Cloud Drive$ ls -l
-rw-r--r--  1 mim  eng  758280192 Jul 31 00:58 amzn1.account.MSSM74Z-cloud.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-cloud.db-shm
-rw-r--r--  1 mim  eng  212966952 Jul 31 14:55 amzn1.account.MSSM74Z-cloud.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-download.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-download.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-download.db-wal
-rw-r--r--  1 mim  eng        129 May 28 14:25 amzn1.account.MSSM74Z-settings.json
-rw-r--r--  1 mim  eng   81358848 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db
-rw-r--r--  1 mim  eng      65536 Jul 31 14:31 amzn1.account.MSSM74Z-sync.db-shm
-rw-r--r--  1 mim  eng   44982192 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-uploads.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-uploads.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-uploads.db-wal
-rw-r--r--  1 mim  eng        352 Jul 31 13:01 app-settings.json
-rw-r--r--  1 mim  eng        368 May 28 14:24 refresh-token
-rw-r--r--  1 mim  eng         32 May 28 14:23 serial-number
~/Library/Application Support/Amazon Cloud Drive$ sqlite3 amzn1.account.MSSM74Z-cloud.db 's
elect count(*) from nodes;'
1077668
~/Library/Application Support/Amazon Cloud Drive$
```

https://little418.com/2017/07/moving-out-of-amazon-drive.html

19.   The Accused Instrumentalities include "a second apparatus comprising a processor configured to transmit the selected data stored in said second apparatus to said first apparatus via said hardware interface based on said management information edited by said processor when said processor detects that said first apparatus and said second apparatus are connected based upon a result of the comparison." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a controller configured to control transfer of the selected data based on the management information edited by the editor when the detector detects that the two are connected.
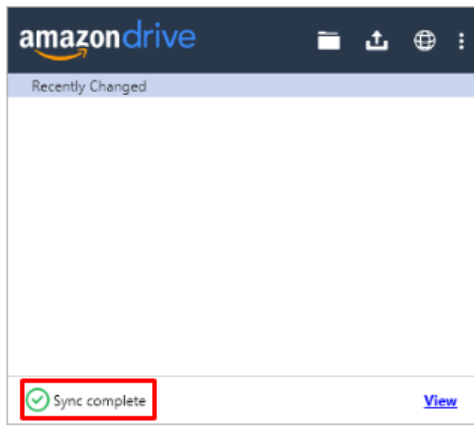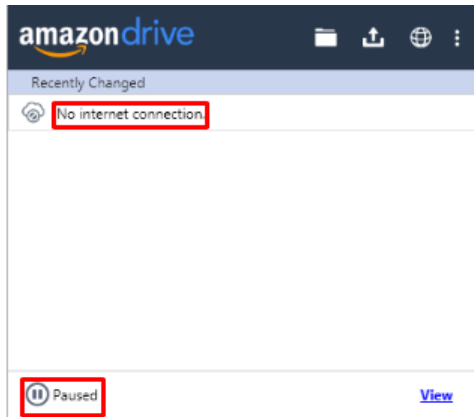
20.   Defendant has had knowledge of the '675 Patent and its infringement since at least the filing of the original Complaint in this action, or shortly thereafter, including by way of this lawsuit. By the time of trial, Defendant will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of the claims of the '675 Patent.

21.   Defendant's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary way to infringe the claims of the '675 Patent. Use of the Accused Instrumentalities in their ordinary and customary fashion results in infringement of the claims of the '675 Patent.

22.   For example, Defendant explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages of synchronizing settings among multiple devices. Defendant also induces its customers to use the Accused Instrumentalities to infringe other claims of the '675 Patent. Defendant specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '675 Patent. Defendant performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '675 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Defendant engaged in such inducement to promote the sales of the Accused Instrumentalities, e.g., through its user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the '675 Patent. Accordingly, Defendant has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '675 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '675 Patent. Accordingly, Defendant has been (since at least as of filing of the original complaint), and currently is, inducing infringement of the '675 Patent, in violation of 35 U.S.C. § 271(b).

23.   For similar reasons, Defendant also infringes the '675 Patent by supplying or causing to be supplied in or from the United States all or a substantial portion of the components of the Accused Instrumentalities, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components

outside of the United States in a manner that would infringe the '675 Patent if such combination occurred within the United States. For example, Defendant supplies or causes to be supplied in or from the United States all or a substantial portion of the hardware and software components of the Accused Instrumentalities in such a manner as to actively induce the combination of such components (e.g., by instructing users to combine multiple Teradata servers into an infringing system) outside of the United States

24.   Defendant has also infringed, and continues to infringe, claims of the '675 Patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Instrumentalities, which are used in practicing the process, or using the systems, of the '675 Patent, and constitute a material part of the invention. Defendant knows the components in the Accused Instrumentalities to be especially made or especially adapted for use in infringement of the '674 Patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. For example, the ordinary way of using the Accused Instrumentalities infringes the patent claims, and as such, is especially adapted for use in infringement. Accordingly, Defendant has been, and currently is, contributorily infringing the '675 Patent, in violation of 35 U.S.C. § 271(c).

25.   Defendant also indirectly infringes the '675 Patent by supplying or causing to be supplied in or from the United States components of the Accused Instrumentalities that are especially made or especially adapted for use in infringing the '675 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use, and where such components are uncombined in whole or in part, knowing that such components are so made or adapted and intending that such components are combined outside of the United States in a manner that would infringe the '675 Patent if such

combination occurred within the United States. Because the Accused Instrumentalities are designed to operate as the claimed system and apparatus, the Accused Instrumentalities have no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. For example, Defendant supplies or causes to be supplied in or from the United States all or a substantial portion of the hardware and software components that are especially made or especially adapted for use in the Accused Instrumentalities, where such hardware and software components are not staple articles or commodities of commerce suitable for substantial noninfringing use, knowing that such components are so made or adapted and intending that such components are combined outside of the United States, as evidenced by Defendant's own actions or instructions to users in, e.g., combining multiple Teradata servers into infringing systems, and enabling and configuring the infringing functionalities of the Accused Instrumentalities.

26.   As a result of Defendant's infringement of the '675 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for each Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by each Defendant, together with interest and costs as fixed by the Court.

COUNT II

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

27.   Data Scape is the owner by assignment of United States Patent No. 10,027,751 ("the '751 Patent"), entitled "Communication System And Its Method and Communication Apparatus And Its Method." The '751 Patent was duly and legally issued

14

by the United States Patent and Trademark Office on July 17, 2018. A true and correct copy of the '751 Patent is included as Exhibit B.

28.   Defendant has offered for sale, sold and/or imported into the United States products and services that infringe the '751 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant's products and services, , *e.g.*, *e.g.*, Amazon Kindle, Amazon Photo, Amazon Drive, Amazon Prime Music, Amazon Music Unlimited, Amazon devices on which they operate (e.g., Fire, Echo, Kindle, Amazon servers, etc.), and all versions and variations thereof since the issuance of the '751 Patent ("Accused Instrumentalities").

29.   Defendant has directly infringed and continues to infringe the '751 Patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities. Defendant uses the Accused Instrumentalities for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to its customers.

30.   For example, the Accused Instrumentalities infringe Claim 1 (and certain of its dependents) of the '751 Patent. Only claim 1 and certain of its dependents claims are asserted in this action. One non-limiting example of the Accused Instrumentalities' infringement is presented below:

31.   The Accused instrumentalities include "[a] communication apparatus configured to transmit data to an apparatus." For example, the Accused Instrumentalities communicate and transfer a document stored on one device (e.g. desktop computer, laptop computer, tablet, mobile smart phone, server with Amazon software) to another device (e.g.

desktop computer, laptop computer, tablet, mobile smart phone, server with Amazon software):

Sync Files Using Amazon Photos for Desktop

The Amazon Drive folder on your computer can be synchronized with the files in your Amazon Photos account online.

With synchronization, you can make changes to your files on Amazon Photos from the Amazon Drive folder on your computer. This includes actions like adding, moving, copying, and deleting. The synchronization feature is on by default.

To select or deselect folders to synchronize using the Amazon Photos Desktop application:

1. Open Amazon Photos for Desktop in your computer's taskbar (PC) or menu bar (Mac).
2. Click the **Settings** icon, then click **Preferences**.
3. In the **Sync** tab, click **Choose folders**.
4. Select the files or folders from your Amazon Drive that you want to sync.
5. Click **Sync**.

Note: Amazon Photos for Desktop allows you to upload large files, including files larger than 2 GB in size. You can upload individual files up to 48.82 GB in size. In certain cases, the maximum file upload size may be lower than 48.82 GB due to limitations outside of our service. This includes limitations with your computer's web browser settings or specifications.

https://www.amazon.com/gp/help/customer/display.html?nodeId=20209827.

32.   The Accused instrumentalities include a communication apparatus comprising "a hardware storage medium configured to store management information of data to be transferred to the apparatus." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server both include hardware storage and are each an example of a first hardware storage medium and are also each an example of a second hardware storage medium. The second hardware storage medium is configured to store management information, including, e.g., one or more of the information depicted below.

16

I did what any engineer would do, and whipped out `dtrace`. A little probing found the problem. The sync client was doing a staggering number of tiny, scattered I/O operations. This probably has something to do with their heavy use of SQLite. Check this out:

```
~/Library/Application Support/Amazon Cloud Drive$ ls -l
-rw-r--r--  1 mim  eng  758280192 Jul 31 00:58 amzn1.account.MSSM74Z-cloud.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-cloud.db-shm
-rw-r--r--  1 mim  eng  212966952 Jul 31 14:55 amzn1.account.MSSM74Z-cloud.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-download.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-download.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-download.db-wal
-rw-r--r--  1 mim  eng        129 May 28 14:25 amzn1.account.MSSM74Z-settings.json
-rw-r--r--  1 mim  eng   81358848 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db
-rw-r--r--  1 mim  eng      65536 Jul 31 14:31 amzn1.account.MSSM74Z-sync.db-shm
-rw-r--r--  1 mim  eng   44982192 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-uploads.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-uploads.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-uploads.db-wal
-rw-r--r--  1 mim  eng        352 Jul 31 13:01 app-settings.json
-rw-r--r--  1 mim  eng        368 May 28 14:24 refresh-token
-rw-r--r--  1 mim  eng         32 May 28 14:23 serial-number
~/Library/Application Support/Amazon Cloud Drive$ sqlite3 amzn1.account.MSSM74Z-cloud.db 's
elect count(*) from nodes;'
1077668
~/Library/Application Support/Amazon Cloud Drive$
```
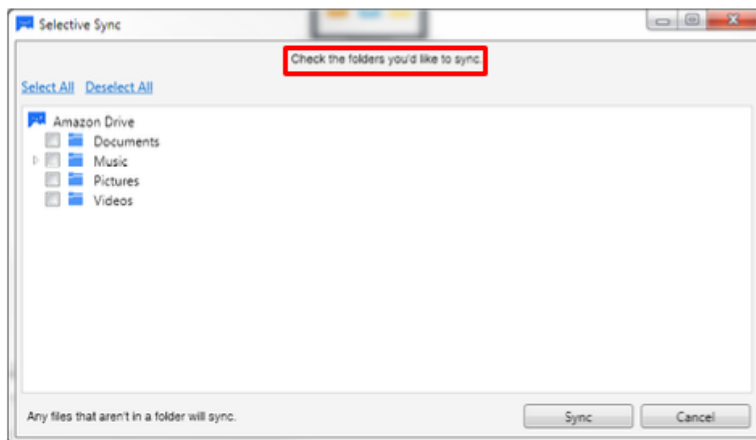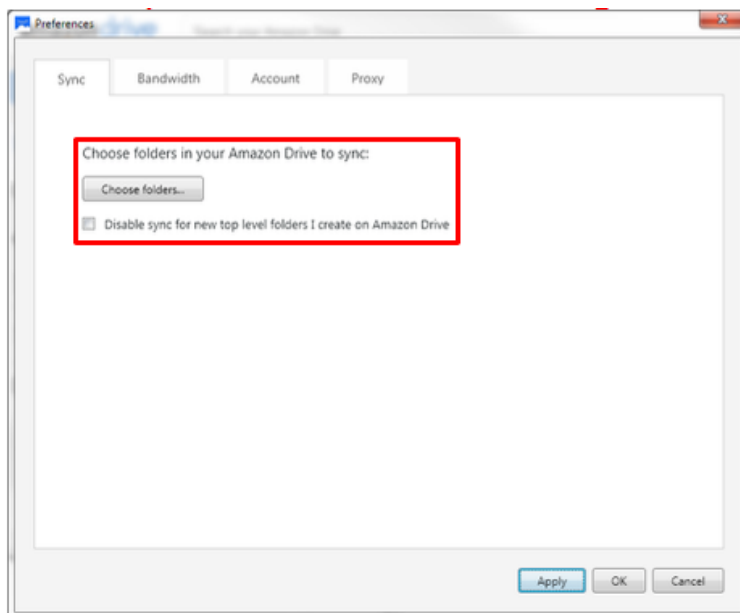
https://little418.com/2017/07/moving-out-of-amazon-drive.html

33. The Accused instrumentalities include a communication apparatus comprising "a communicator configured to communicate data with the apparatus." For example, the Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a communicator configured to communicate with each other.
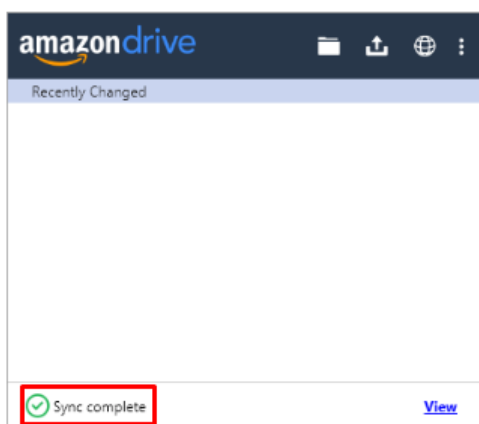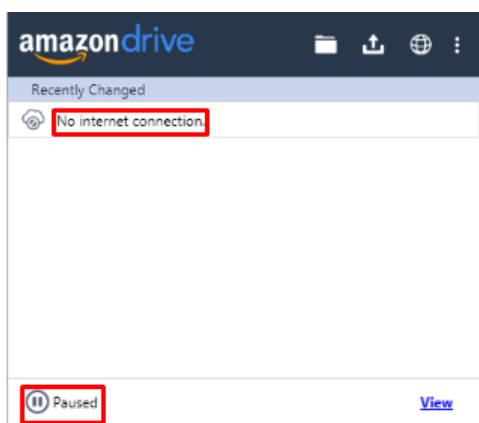
34.   The Accused instrumentalities include a communication apparatus comprising "a detector configured to detect whether the communication apparatus and the apparatus are connected." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a detector that detects whether they are connected. For example, below screen capture from an Amazon Drive client indicates whether there is any "internet connection."

18
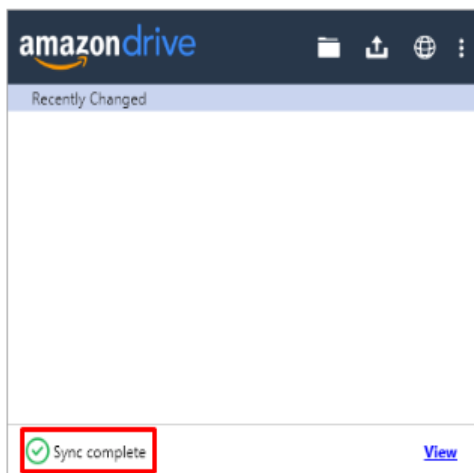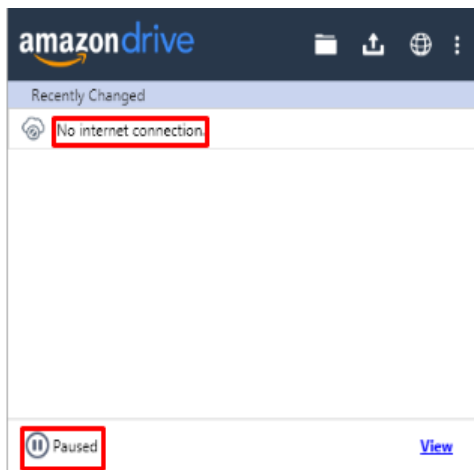
35. The Accused instrumentalities include a communication apparatus comprising "an editor configured to select certain data to be transferred and to edit the management information based on the selection without regard to the connection of the communication apparatus and the apparatus." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes an editor configured to select certain data to be transferred and to edit the management information based on the selection without regard to the connection to each other. For example, Amazon Drive client allows such a selection, as illustrated below.

19

36.   The Accused instrumentalities include a communication apparatus comprising "a controller configured to control transfer of the selected data stored in the communication apparatus to the apparatus via the communicator based on the management information edited by the editor when the detector detects that the communication apparatus and the apparatus are connected." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a controller configured to control transfer of the selected data based on the management information edited by the editor when the detector detects that the two are connected.

37.   The Accused instrumentalities include a communication apparatus comprising a controller configured to "compare the management information edited by the editor with management information of data stored in the apparatus." For example,

20

management information, including, e.g., one or more of the information depicted below, are compared to transmit data based on result of the comparison.

I did what any engineer would do, and whipped out `dtrace`. A little probing found the problem. The sync client was doing a staggering number of tiny, scattered I/O operations. This probably has something to do with their heavy use of SQLite. Check this out:

```
~/Library/Application Support/Amazon Cloud Drive$ ls -l
-rw-r--r--  1 mim  eng  758280192 Jul 31 00:58 amzn1.account.MSSM74Z-cloud.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-cloud.db-shm
-rw-r--r--  1 mim  eng  212966952 Jul 31 14:55 amzn1.account.MSSM74Z-cloud.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-download.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-download.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-download.db-wal
-rw-r--r--  1 mim  eng        129 May 28 14:25 amzn1.account.MSSM74Z-settings.json
-rw-r--r--  1 mim  eng   81358848 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db
-rw-r--r--  1 mim  eng      65536 Jul 31 14:31 amzn1.account.MSSM74Z-sync.db-shm
-rw-r--r--  1 mim  eng   44982192 Jul 31 14:56 amzn1.account.MSSM74Z-sync.db-wal
-rw-r--r--  1 mim  eng       4096 May 28 14:24 amzn1.account.MSSM74Z-uploads.db
-rw-r--r--  1 mim  eng      32768 Jul 31 12:00 amzn1.account.MSSM74Z-uploads.db-shm
-rw-r--r--  1 mim  eng    2171272 Jul 31 14:00 amzn1.account.MSSM74Z-uploads.db-wal
-rw-r--r--  1 mim  eng        352 Jul 31 13:01 app-settings.json
-rw-r--r--  1 mim  eng        368 May 28 14:24 refresh-token
-rw-r--r--  1 mim  eng         32 May 28 14:23 serial-number
~/Library/Application Support/Amazon Cloud Drive$ sqlite3 amzn1.account.MSSM74Z-cloud.db 's
elect count(*) from nodes;'
1077668
~/Library/Application Support/Amazon Cloud Drive$
```

https://little418.com/2017/07/moving-out-of-amazon-drive.html

38.   The Accused instrumentalities include a communication apparatus comprising a controller configured to "determine a size of the selected data in the communication apparatus." For example, the Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.), will only transmit data if space remains in the Amazon Drive server:

21
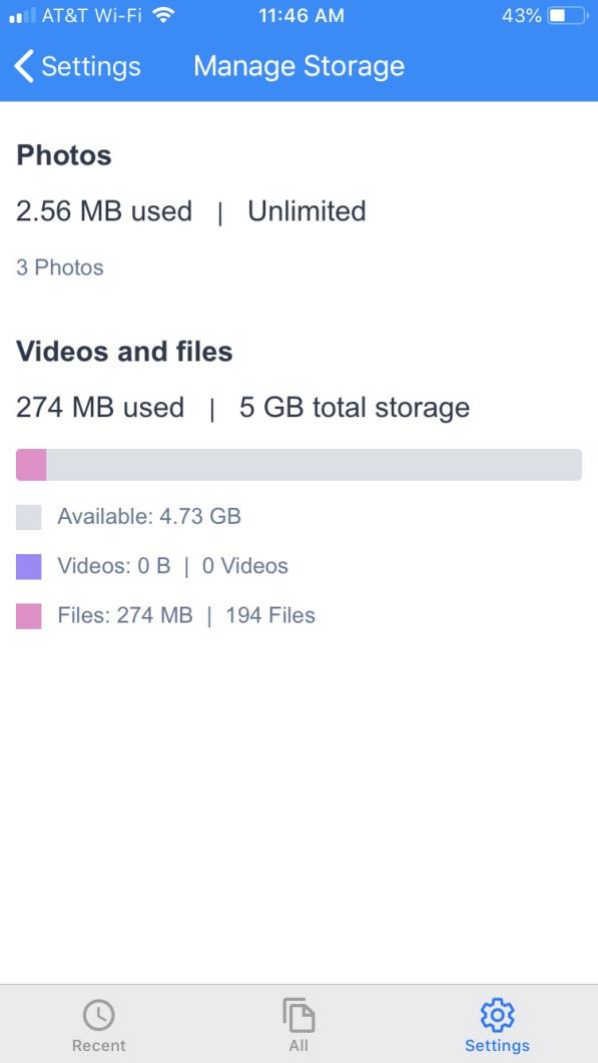
39.   The Accused instrumentalities include a communication apparatus comprising a controller configured to "transmit data in the communication apparatus based on result of the comparison and the determination." For example, Amazon Drive client (e.g., on a desktop, laptop, smart phone, tablet, etc.) and Amazon Drive server each includes a controller configured to control transfer of the selected data based on the management information edited by the editor and the determination as to size.

22
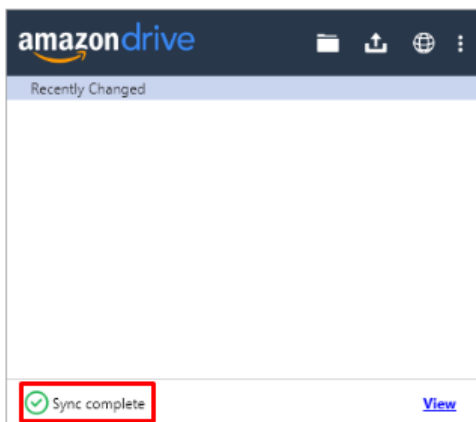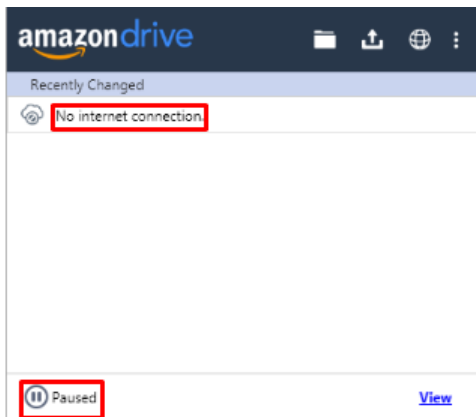
40.   Defendant has had knowledge of the '751 Patent and its infringement since at least the filing of the original Complaint in this action, or shortly thereafter, including by way of this lawsuit. By the time of trial, Defendant will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of the claims of the ' 751 Patent.

41.   Defendant's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary way to infringe the claims of the '751 Patent. Use of the Accused

Instrumentalities in their ordinary and customary fashion results in infringement of the claims of the '751 Patent.

42.   For example, Defendant explains to customers the benefits of using the Accused Instrumentalities, such as by touting their advantages of synchronizing settings among multiple devices. Defendant also induces its customers to use the Accused Instrumentalities to infringe other claims of the '751 Patent. Defendant specifically intended and was aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '751 Patent. Defendant performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '751 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Defendant engaged in such inducement to promote the sales of the Accused Instrumentalities, e.g., through its user manuals, product support, marketing materials, demonstrations, installation support, and training materials to actively induce the users of the accused products to infringe the ' 751 Patent. Accordingly, Defendant has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the ' 751 Patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the ' 751 Patent. Accordingly, Defendant has been (since at least as of filing of the original complaint), and currently is, inducing infringement of the ' 751 Patent, in violation of 35 U.S.C. § 271(b).

43.   For similar reasons, Defendant also infringes the '751 Patent by supplying or causing to be supplied in or from the United States all or a substantial portion of the

components of the Accused Instrumentalities, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the '751 Patent if such combination occurred within the United States. For example, Defendant supplies or causes to be supplied in or from the United States all or a substantial portion of the hardware and software components of the Accused Instrumentalities in such a manner as to actively induce the combination of such components (e.g., by instructing users to combine multiple Teradata servers into an infringing system) outside of the United States.

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

45.   Defendants also indirectly infringe the '751 Patent by supplying or causing to be supplied in or from the United States components of the Accused Instrumentalities that are especially made or especially adapted for use in infringing the ' 751 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use, and where such components are uncombined in whole or in part, knowing that such

25

components are so made or adapted and intending that such components are combined outside of the United States in a manner that would infringe the '751 Patent if such combination occurred within the United States. Because the Accused Instrumentalities are designed to operate as the claimed system and apparatus, the Accused Instrumentalities have no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. For example, Defendant supplies or causes to be supplied in or from the United States all or a substantial portion of the hardware and software components that are especially made or especially adapted for use in the Accused Instrumentalities, where such hardware and software components are not staple articles or commodities of commerce suitable for substantial noninfringing use, knowing that such components are so made or adapted and intending that such components are combined outside of the United States, as evidenced by Defendant's own actions or instructions to users in, e.g., combining multiple Teradata servers into infringing systems, and enabling and configuring the infringing functionalities of the Accused Instrumentalities.

46.   As a result of Defendant's infringement of the '751 Patent, Plaintiff Data Scape is entitled to monetary damages in an amount adequate to compensate for each Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by each Defendant, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

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

a.   A judgment in favor of Plaintiff that each Defendant has infringed, either literally and/or under the doctrine of equivalents, the '675 Patent and the '751 Patent (collectively, "asserted patents");

b.   A permanent injunction prohibiting each Defendant from further acts of infringement of the asserted patents;

c.   A judgment and order requiring each Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the asserted patents, as provided under 35 U.S.C. § 284;

d.   A judgment and order requiring each Defendant to provide an accounting and to pay supplemental damages to Data Scape, including without limitation, prejudgment and post-judgment interest;

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

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

DEMAND FOR JURY TRIAL

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

Dated: May 21, 2019

Respectfully submitted,

/s/ Marc A. Fenster
 Marc A. Fenster

Marc A. Fenster (CA SBN 181067)
Email: mfenster@raklaw.com
Reza Mirzaie (CA SBN 246953)
Email: rmirzaie@raklaw.com
Brian D. Ledahl (CA SBN 186579)
Email: bledahl@raklaw.com
Paul A. Kroeger (CA SBN 229074)
Email: pkroeger@raklaw.com
C. Jay Chung (CA SBN 252794)
Email: jchung@raklaw.com
Philip X. Wang (CA SBN 262239)
Email: pwang@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Attorneys for Plaintiff
Data Scape Limited