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 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 SYSTEMS, INC.,  
 22 Defendant.

Case No. 2:19-cv-04667

**FIRST AMENDED COMPLAINT  
 FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

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 Systems, 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. 10,277,675**

5 6. Data Scape is the owner by assignment of United States Patent No.  
6 10,277,675 (“the ’675 Patent”) entitled “Communication System And Its Method and  
7 Communication Apparatus And Its Method.” The ’675 Patent was duly and legally  
8 issued by the United States Patent and Trademark Office on April 30, 2019. A true and  
9 correct copy of the ’675 Patent is included as Exhibit A.

10 7. The following are non-exhaustive list of fact-based claim constructions  
11 that confirm that the claimed solutions do not just cover any sort of selective transfer of  
12 digital data, but instead are more focused—and covers a technical species of selective-  
13 transfer techniques that enabled devices to automatically detect and transfer only some  
14 select data content files and not others. These constructions include the following ones:<sup>1</sup>

- 15 a. management information: “digital data stored in a program file and  
16 configured to enable a controller to electronically locate, extract and/or  
17 transfer only select content data without transferring all content data.”  
18 b. compare/comparing/comparison: “performing an electronic analysis of  
19 two sets of digital data stored in different apparatuses to determine the  
20 differences between them, if any”  
21 c. controller: “a sub-class of computer microprocessors designed to  
22 enable the transfer of digital data”  
23 d. without regard to the connection: “regardless of whether or not the  
24 identified apparatuses are currently connected”  
25  
26  
27

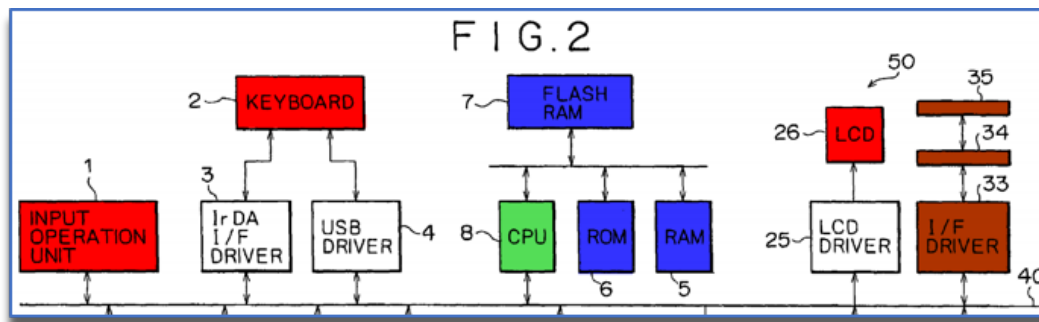
28 <sup>1</sup> Data Scape reserves the right to modify these constructions, consistent with the practice of meeting and conferring that are typically in any claim construction proceedings.

1 e. connected: “electrically communicating via a wired or wireless  
2 connection”

3 f. storage medium: “an identifiable non-volatile computer memory for  
4 electronically storing data”

5 8. In their most basic form, and ignoring many claim limitations, the claims  
6 of the ‘675 Patent are directed to data synchronization system with a processor  
7 configured to edit management information without regard to a connection between two  
8 apparatuses, compare the management information and selectively transmit data based  
9 on the management information. The claims are not directed to abstract ideas. The  
10 claims provide technical solutions to technical problems, and, thus, are patent-eligible.

11 9. As the ‘675 Patent states, the inventor, Akihiro Morohashi, working at  
12 Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced trying to  
13 selectively transfer digital data between two electronic apparatuses. *E.g.*, ‘675 Patent,  
14 Col. 1:37-2:63. For example, many used optical disks to accomplish this process, but  
15 that was “cumbersome” and did not enable easy or random selection of files to transfer.  
16 *Id.* And when others burned digital files into hard disk drives or semiconductor  
17 memory, those systems still required a large amount of time to selectively transfer  
18 certain digital data between electronic apparatuses. *Id.* And in any case, there was no  
19 reasonable way to selectively synchronize select digital content data between the  
20 apparatuses. *Id.* These problems were specific to the technological process of selective  
21 digital-data transfer between electronic apparatuses. *Id.* And with 29 columns of text  
22 and 13 figures, including Figure 2 below, the inventors taught various technical  
23 solutions involving an unconventional server with a controller configured with circuitry  
24 to compare certain digital management information:



10. Enabled by these teachings, the ‘675 patent recites in its claims various technical solutions to the existing technological problems and shortcomings. For example, various claims require the then-unconventional system of electronic components configured to use certain digital “management information” to compare, edit, delete and/or selectively transfer separate digital content data between two identified apparatuses. *See, e.g.*, ‘675 Patent, Claim 1 ([a] first hardware storage medium, [b] second hardware storage medium configured to store management information, [c] hardware interface, [d] processor configured to: [i] detect whether there is a connection, [ii] select data to be transferred, [iii] edit management information without regard to the connection, [iv] compare management information, and [v] selectively transmit data based on the management information).

11. As such, the claims of the ‘675 patent generally relate, in their most basic form, and ignoring many claim limitations, to the concept of data synchronization as understood by a person of ordinary skill in the art. *See, e.g.*, <https://www.techopedia.com/definition/1006/data-synchronization> (“Data synchronization is the process of maintaining the consistency and uniformity of data instances across all consuming applications and storing devices. It ensures that the same copy or version of data is used in all devices - from source to destination.”); <https://www.pcmag.com/encyclopedia/term/40854/data-synchronization> (“Keeping data in two or more electronic devices up-to-date so that each repository contains the identical information. Data in handheld devices and laptops often require synchronization with the data in a desktop machine or server.”);

1 [https://en.wikipedia.org/wiki/Data\\_synchronization](https://en.wikipedia.org/wiki/Data_synchronization) (“Data synchronization is the  
2 process of establishing consistency among data from a source to a target data storage  
3 and vice versa and the continuous harmonization of the data over time.”).

4 12. The ‘675 patent and its file history make clear that each included  
5 independent-claim limitations were not in the prior art, let alone well-understood,  
6 routine, and conventional. This includes the claimed [a] first hardware storage medium,  
7 [b] second hardware storage medium configured to store management information, [c]  
8 hardware interface, [d] processor configured to: [i] detect whether there is a connection,  
9 [ii] select data to be transferred, [iii] edit management information without regard to the  
10 connection, [iv] compare management information, and [v] selectively transmit data  
11 based on the management information. And the dependent claims also include  
12 limitations that were not in the prior art, let alone well-understood, routine, and  
13 conventional. *See, e.g.*, limitations of claims 2-12 of the ‘675 patent.

14 13. For instance, Claim 1 of the ‘675 Patent recites:

15 1[pre]. A communication system including a first apparatus having a first  
16 hardware storage medium, and a second apparatus, said second apparatus comprising:

17 [1a] a second hardware storage medium configured to store management  
18 information of data to be transferred to said first storage medium;

19 [1b] a hardware interface configured to communicate data with said first  
20 apparatus;

21 **[1c] a processor configured to:**

22 [1d] detect whether said first apparatus and said second apparatus are connected;  
23 select certain data to be transferred;

24 **[1e] edit said management information based on said selection without**  
25 **regard to the connection of said first apparatus and said second apparatus;**

26 [1f] compare said management information edited by said processor with  
27 management information of data stored in said first storage medium; and

28

1           [1g] transmit the selected data stored in said second apparatus to said first  
2 apparatus via said hardware interface based on said management information  
3 edited by said processor when said processor detects that said first apparatus and  
4 said second apparatus are connected based upon a result of the comparison.

5           14. Further, the file history confirms that these limitations (e.g., “processor  
6 configured to ... edit said management information ... without regard to the connection  
7 ... transmit the selected data ... based on said management information ... based upon  
8 a result of the comparison”) were inventive over prior art and not well-understood,  
9 routine, and conventional. Specifically, after these limitations were added to the claims  
10 of the ‘675 Patent, the patent claims were allowed by the Examiner. *See* ‘675 File  
11 History, Feb. 14, 2019, Notice of Allowance (“Claims 1-25 are allowable over prior arts  
12 because the ited prior art of record fails to teach or render obvious the claimed  
13 limitations in combination with the specific added limitation recited in each of  
14 independent claims 1, 13, and 14 (and associated dependent claims).”).

15           15. Likewise, the specification teaches that uniquely associating the list with  
16 external apparatus and transferring content data registered in the extracted list was  
17 inventive over the prior art, and not well-understood, routine, and conventional. *E.g.*,  
18 ‘675 Patent at 5:14-67, 7:9-8:27, 11:9-58, 14:11-15:6, 19:57-20:60, 21:4-67, 22:8-  
19 24:63.

20           16. Claim 1 of the ‘675 Patent does not claim a result, but instead specific  
21 technology using specific and non-conventional processes and machines, including:

22           1. A communication system including a first apparatus having a **first**  
23 **hardware storage medium**, and a second apparatus, said second apparatus  
24 comprising:

25           a **second hardware storage medium** configured to store management  
26 information of data to be transferred to said **first storage medium**;

27           a **hardware interface** configured to communicate data with said first  
28 apparatus;

1           a **processor** configured to:  
2           detect whether said first apparatus and said second apparatus are  
3           connected;  
4           select certain data to be transferred;  
5           **edit said management information** based on said selection without  
6           regard to the connection of said first apparatus and said second apparatus;  
7           **compare said management information edited by said processor** with  
8           management information of data stored in said first storage medium; and  
9           **transmit the selected data stored in said second apparatus** to said first  
10           apparatus via said **hardware interface** based on said management information  
11           edited by said **processor** when said **processor** detects that said first apparatus  
12           and said second apparatus are connected based upon a result of the **comparison**.

13           17. Claim 1 is not representative of all claims of the ‘675 patent. For example,  
14 claim 14 requires a “controller” configured in specific ways, which is not required in  
15 claim 1 of the ‘675 patent. Claim 14 recites:

16           14. A communication system including a first apparatus having a first  
17 hardware storage medium, and a second apparatus, said second apparatus  
18 comprising:

19           a second hardware storage medium configured to store management  
20 information of data to be transferred to said first storage medium;

21           a hardware interface configured to communicate data with said first  
22 apparatus;

23           a processor configured to detect whether said first apparatus and said  
24 second apparatus are connected, select certain data to be transferred, and edit said  
25 management information based on said selection without regard to the  
26 connection of said first apparatus and said second apparatus; and

27           **a controller configured to** control transfer of the selected data stored in  
28 said second apparatus to said first apparatus via said hardware interface based on



1 said management information edited by said editor when said processor detects  
2 that said first apparatus and said second apparatus are connected,

3 wherein said **controller is configured to** compare said management  
4 information edited by said editor with management information of data stored in  
5 said first storage medium and to transmit data in said second apparatus based on  
6 a result of the comparison.

7 18. Claim 14 does not claim a result. Instead, it recites specific components  
8 for accomplishing a result (e.g., hardware storage medium, hardware interface,  
9 processor, and controller configured in specific manner).

10 19. Dependent claims contain limitations not found in independent claims. For  
11 example, dependent claim 4 contains limitations not found in independent claim 1. For  
12 instance, claim 4 recites “processor is configured to control receiving of identification  
13 information of said first apparatus via said hardware interface and to judge whether said  
14 identification information of said first apparatus is predetermined identification  
15 information and to allow said transfer of data when said identification information of  
16 said first apparatus is said predetermined identification information.”

17 20. In a patent filed by Western Digital in 2004, it admitted there was still a  
18 technical “**need for a system that allows quick and easy communication ...that**  
19 **allows collaborative use of remote devices by multiple users...**” U.S. Patent No.  
20 7,546,353 (emphasis added). That was because, even in 2004, it was “not uncommon []  
21 to have separate computing systems [which] requires that the common data all be kept  
22 current, i.e., with the latest version of each common file, as it is typical to update and  
23 edit files. **This in itself can be an enormously time consuming and tedious...**” *Id.*  
24 (emphasis added). And Western Digital even cited Data Scape’s patent, which it  
25 acknowledged was in the same technical field.

26 21. Similarly, in a 2005-filed patent application that also cites Data Scape’s  
27 earlier patents *in the same technical field*, Microsoft made clear that the selective  
28 transfer of digital data between two devices was a technical problem one year later. U.S.

1 Patent Application No. 20060288036 (data transfer involved “a number of processes,  
2 such as enumeration of content on each device ... and efficient metadata retrieval based  
3 on user queries. Thus, **user experience could also be enhanced by providing**  
4 **optimization for the transfer enumeration protocol between the two devices.”)**  
5 (emphasis added) (available at  
6 <https://patents.google.com/patent/US20060288036?q=20060288036>).

7 22. And in 2006, this time in a patent application filed by Apple, Steve Jobs  
8 and five Apple computer scientists represented to the USPTO that there was still “**a**  
9 **continuing need for improved techniques to transfer** and synchronize media data on  
10 host computers and/or media players.” U.S. Patent Application 20080086494 (emphasis  
11 added). And Apple, too, cited Data Scape’s asserted patents, which, again, were  
12 acknowledged to be *in the same technical field*. *Id* (available at  
13 <https://patents.google.com/patent/US20080086494A1/en?q=20080086494>).

14 23. The statements in these later-filed patent applications confirm that Data  
15 Scape’s patent at issue here are directed to technical solutions to technical problems,  
16 and improves computer functionalities. The statements in these later-filed patent  
17 applications also confirm that the limitations recited in Data Scape’s patent at issue here  
18 are not well-understood, routine, or conventional, and that the claims are not directed  
19 to other ideas “identified by the courts as abstract ideas,” that recently have been  
20 synthesized into three groups: “(a) mathematical concepts”; “(b) methods of organizing  
21 human activity”; or “(c) mental processes.” 84 Fed. Reg. 50 (Jan. 7, 2019) (2019 PTO  
22 §101 Guidance, citing and surveying post-*Alice* decisions).

23 24. On information and belief, Citrix has offered for sale, sold and/or imported  
24 into the United States Citrix products and services that infringe the ’675 patent, and  
25 continues to do so. By way of illustrative example, these infringing products and  
26 services include, without limitation, Citrix’s products and services, *e.g.*, ShareFile,  
27 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations  
28 thereof since the issuance of the ’675 Patent (“Accused Instrumentalities”).

1 25. Defendant has directly infringed and continues to infringe the '675 Patent,  
 2 for example, by making, selling, offering for sale, and/or importing the Accused  
 3 Instrumentalities, and through its own use and testing of the Accused Instrumentalities.  
 4 Defendant uses the Accused Instrumentalities for its own internal non-testing business  
 5 purposes, while testing the Accused Instrumentalities, and while providing technical  
 6 support and repair services for the Accused Instrumentalities to its customers.

7 26. For example, the Accused Instrumentalities infringe Claim 1 (as well as  
 8 other claims) of the '675 Patent. One non-limiting example of the Accused  
 9 Instrumentalities' infringement is presented below:

10 27. The Accused Instrumentalities include “a communication system  
 11 including a first apparatus having a first hardware storage medium, and a second  
 12 apparatus.” For example, the Accused Instrumentalities include a communication  
 13 system (e.g., ShareFile product) comprising of StorageZones having a storage medium  
 14 (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives) and clients (e.g.,  
 15 mobile devices, native desktop client, virtual desktop).  
 16 [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)  
 17 [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).

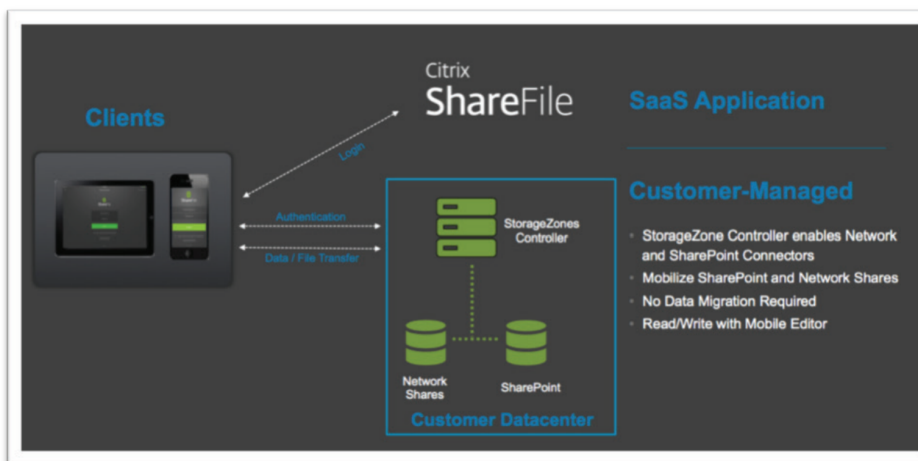
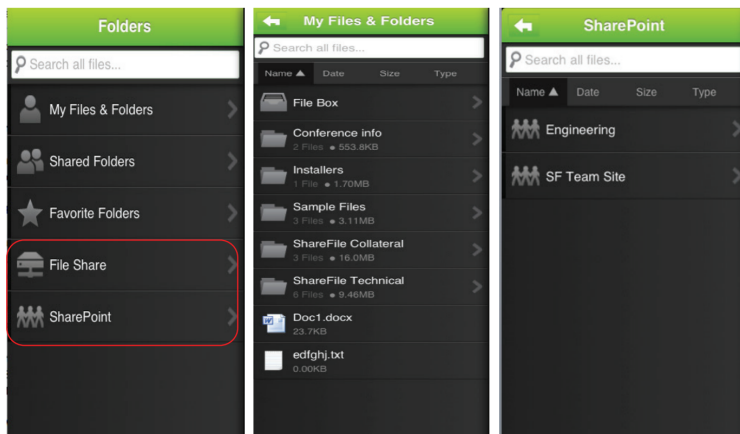


Figure 3. StorageZone Connector architecture

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 28. The Accused Instrumentalities include “a second apparatus comprising a  
 4 second hardware storage medium configured to store management information of data  
 5 to be transferred to said first storage medium.” The Accused Instrumentalities include  
 6 a second apparatus comprising: a second storage medium configured to store  
 7 management information of data to be transferred to said first storage medium. For  
 8 example, the Accused Instrumentalities include clients such as mobile devices, native  
 9 desktop clients, or virtual desktops.  
 10 [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)  
 11 [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  
 12 desktop clients or virtual desktops include a storage medium (e.g., see figure below).

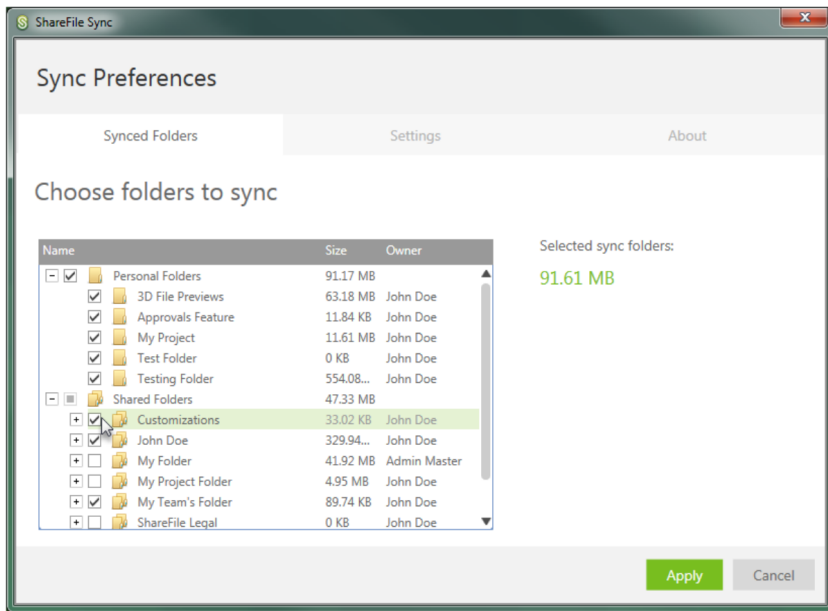
13 Users with appropriate access will see a connected SharePoint library or network  
 file share in the ShareFile client interface under **Folders > SharePoint or Folders**  
 > **Network Shares** referenced in Figure 3.



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

22  
 23 [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). Moreover, the Accused  
 25 Instrumentalities provide ShareFile Sync tool configured to synchronize selected  
 26 folders (e.g., “Under the Synced Folders tab, use the checkboxes to designate which  
 27 folders to sync. Click Apply to save your changes.”  
 28 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the

1 Accused Instrumentalities include ShareFile Sync tool that stores information about the  
2 selected folders' structure (e.g., see figure below).



13  
14 <https://support.citrix.com/article/CTX207683?recommended>.

15 29. The Accused Instrumentalities include “a second apparatus comprising a  
16 hardware interface configured to communicate data with said first apparatus.” For  
17 example, the Accused Instrumentalities disclose “[F]iles are transferred through  
18 ShareFile over a secure SSL/TLS connection and are stored at rest with AES 256-bit  
19 encryption.”

20 [https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-](https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf)  
21 [datasheet.pdf](https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf). (e.g., Data/File Transfer between Clients and Customer Datacenter in the  
22 figure below).  
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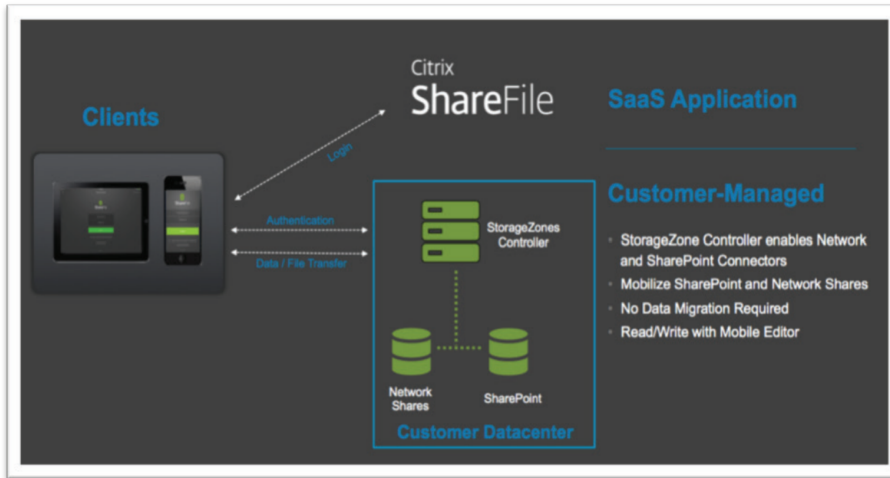


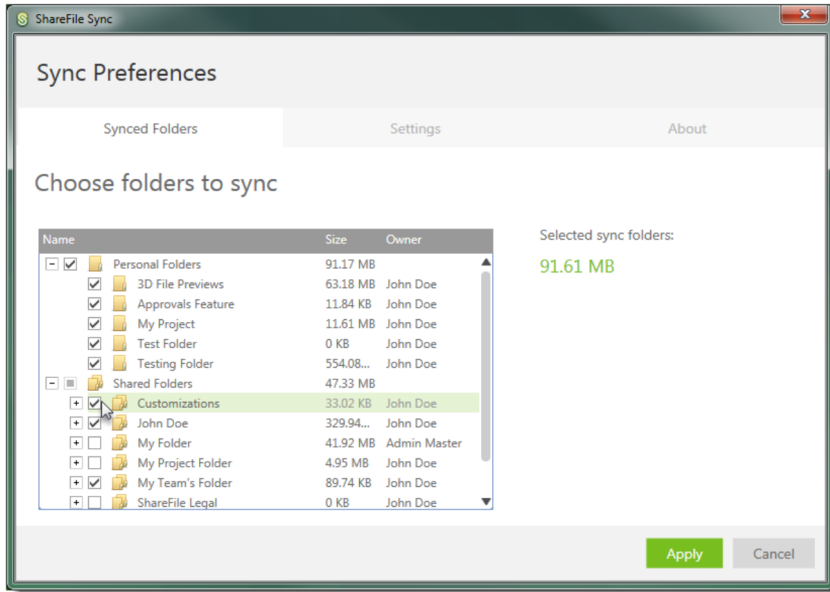
Figure 3. StorageZone Connector architecture

[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).

30. 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, the Accused Instrumentalities include a detector configured to detect whether network connectivity is down. For example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost, uploads will be retried automatically when connectivity is restored.”

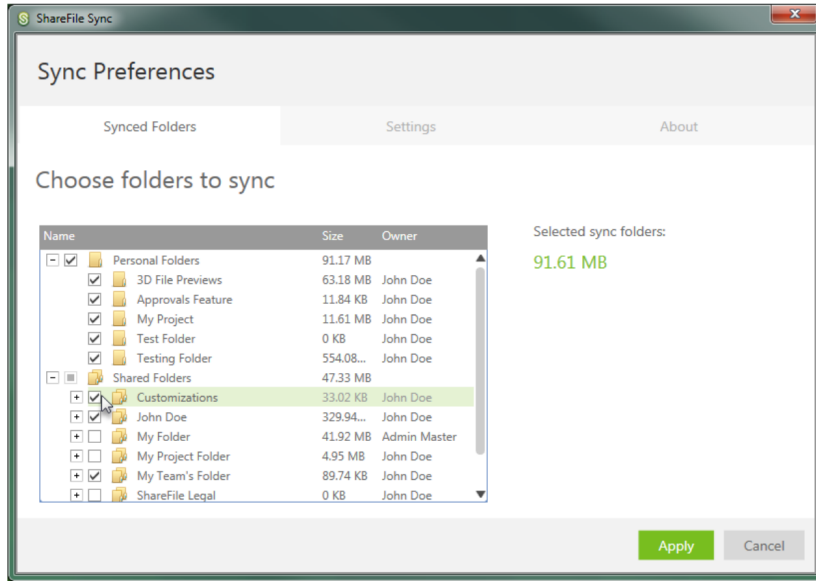
<https://support.citrix.com/article/CTX226351>.

31. The Accused Instrumentalities include “a second apparatus comprising a processor configured to select certain data to be transferred.” 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 folders’ structure (e.g., see figure below).



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

32. 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, 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 folders’ structure (e.g., see figure below).



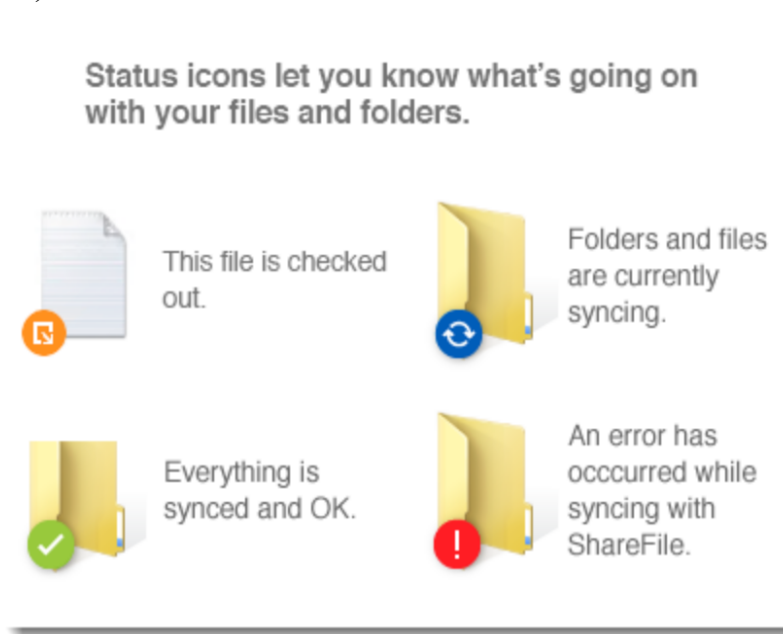
11 <https://support.citrix.com/article/CTX207683?recommended>. Moreover, the Accused  
 12 Instrumentalities are able to edit information about the synchronized folders' structure  
 13 even when internet connection is unavailable. For example, the Accused  
 14 Instrumentalities disclose “[W]hen you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

16 <https://support.citrix.com/article/CTX207683?recommended>. The Accused  
 17 Instrumentalities also disclose that “[I]f you share a sync location with another user and  
 18 you delete a file, the file will be moved to the local Recycle Bin of your PC and the  
 19 local Recycle Bin of any user currently synced to that  
 20 location.” <https://support.citrix.com/article/CTX207683?recommended>. As another  
 21 example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost,  
 22 uploads will be retried automatically when connectivity is restored.”  
 23 <https://support.citrix.com/article/CTX226351>.

24 33. The Accused Instrumentalities include “a second apparatus comprising a  
 25 processor configured to compare said management information edited by said  
 26 processor with management information of data stored in said first storage medium.”  
 27 For example, the Accused Instrumentalities provide folders and files synchronization  
 28 status indicators. As such, synchronization status indicators may indicate whether

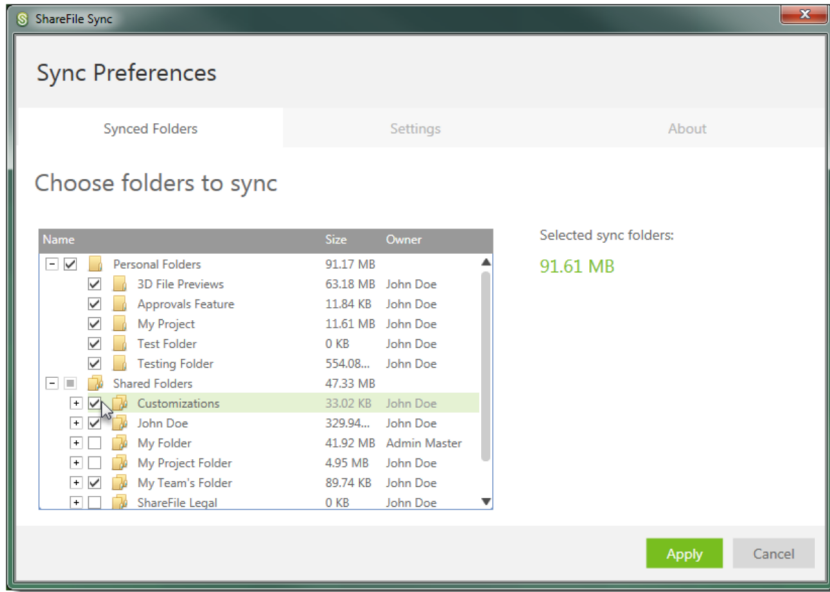


1 folders or files are synced or in the process of syncing (e.g., “You can view currently  
2 syncing and synced files, currently checked out files, start or pause the Sync  
3 process... .” <https://support.citrix.com/article/CTX207683?recommended> and figure  
4 below).



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

20 34. The Accused Instrumentalities further include a “a second apparatus  
21 comprising a processor configured to transmit the selected data stored in said second  
22 apparatus to said first apparatus via said hardware interface based on said management  
23 information edited by said processor when said processor detects that said first  
24 apparatus and said second apparatus are connected based upon a result of the  
25 comparison.” For example, the Accused Instrumentalities let the user select folders to  
26 synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate  
27 which folders to sync. Click Apply to save your changes.”  
28 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the  
Accused Instrumentalities include ShareFile Sync tool that provides transfer of the  
selected folders (e.g., see figure below).



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).

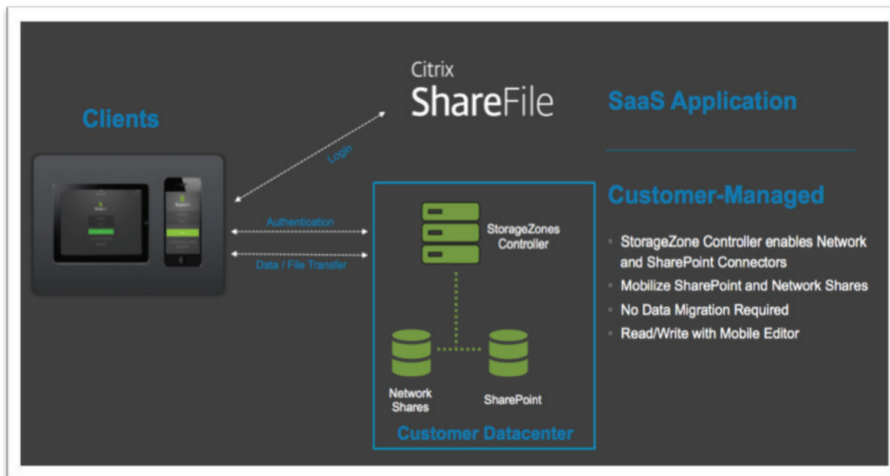


Figure 3. StorageZone Connector architecture

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 35. Defendant has had knowledge of the '675 Patent and its infringement since  
4 at least the filing of the original Complaint in this action, or shortly thereafter, including  
5 by way of this lawsuit. By the time of trial, Defendant will have known and intended  
6 (since receiving such notice) that its continued actions would actively induce and  
7 contribute to the infringement of the claims of the '675 Patent.

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

14 37. For example, Defendant explains to customers the benefits of using the  
15 Accused Instrumentalities, such as by touting their advantages of synchronizing settings  
16 among multiple devices. Defendant also induces its customers to use the Accused  
17 Instrumentalities to infringe other claims of the '675 Patent. Defendant specifically  
18 intended and was aware that the normal and customary use of the Accused  
19 Instrumentalities on compatible systems would infringe the '675 Patent. Defendant  
20 performed the acts that constitute induced infringement, and would induce actual  
21 infringement, with the knowledge of the '675 Patent and with the knowledge, or willful  
22 blindness to the probability, that the induced acts would constitute infringement. On  
23 information and belief, Defendant engaged in such inducement to promote the sales of  
24 the Accused Instrumentalities, e.g., through its user manuals, product support,  
25 marketing materials, demonstrations, installation support, and training materials to  
26 actively induce the users of the accused products to infringe the '675 Patent.  
27 Accordingly, Defendant has induced and continues to induce end users of the accused  
28 products to use the accused products in their ordinary and customary way with

1 compatible systems to make and/or use systems infringing the '675 Patent, knowing  
2 that such use of the Accused Instrumentalities with compatible systems will result in  
3 infringement of the '675 Patent. Accordingly, Defendant has been (since at least as of  
4 filing of the original complaint), and currently is, inducing infringement of the '675  
5 Patent, in violation of 35 U.S.C. § 271(b).

6 38. For similar reasons, Defendant also infringes the '675 Patent by supplying  
7 or causing to be supplied in or from the United States all or a substantial portion of the  
8 components of the Accused Instrumentalities, where such components are uncombined  
9 in whole or in part, in such manner as to actively induce the combination of such  
10 components outside of the United States in a manner that would infringe the '675 Patent  
11 if such combination occurred within the United States. For example, Defendant supplies  
12 or causes to be supplied in or from the United States all or a substantial portion of the  
13 hardware and software components of the Accused Instrumentalities in such a manner  
14 as to actively induce the combination of such components outside of the United States.

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

26 40. Defendants also indirectly infringe the '675 Patent by supplying or causing  
27 to be supplied in or from the United States components of the Accused Instrumentalities  
28 that are especially made or especially adapted for use in infringing the '675 Patent and

1 are not a staple article or commodity of commerce suitable for substantial non-  
2 infringing use, and where such components are uncombined in whole or in part,  
3 knowing that such components are so made or adapted and intending that such  
4 components are combined outside of the United States in a manner that would infringe  
5 the '675 Patent if such combination occurred within the United States. Because the  
6 Accused Instrumentalities are designed to operate as the claimed system and apparatus,  
7 the Accused Instrumentalities have no substantial non-infringing uses, and any other  
8 uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or  
9 experimental. For example, Defendant supplies or causes to be supplied in or from the  
10 United States all or a substantial portion of the hardware and software components that  
11 are especially made or especially adapted for use in the Accused Instrumentalities,  
12 where such hardware and software components are not staple articles or commodities  
13 of commerce suitable for substantial noninfringing use, knowing that such components  
14 are so made or adapted and intending that such components are combined outside of the  
15 United States, as evidenced by Defendant's own actions or instructions to users in, e.g.,  
16 combining multiple Teradata servers into infringing systems, and enabling and  
17 configuring the infringing functionalities of the Accused Instrumentalities.

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

23 **PRAYER FOR RELIEF**

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

- 25 a. A judgment in favor of Plaintiff that Defendant has infringed, literally  
26 and/or under the doctrine of equivalents the '675 Patent;  
27 b. A judgment and order requiring Defendant to pay Plaintiff its damages,  
28 costs, expenses, and prejudgment and post-judgment interest for its

1 infringement of the '675 Patent, as provided under 35 U.S.C. § 284;

- 2 c. A judgment and order requiring Defendant to provide an accounting and  
3 to pay supplemental damages to Data Scape, including without limitation,  
4 prejudgment and post-judgment interest;
- 5 d. A permanent injunction prohibiting Defendant from further acts of  
6 infringement of 'the 675 Patent;
- 7 e. A judgment and order finding that this is an exceptional case within the  
8 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable  
9 attorneys' fees against Citrix Systems; and
- 10 f. Any and all other relief as the Court may deem appropriate and just under  
11 the circumstances.

12 **DEMAND FOR JURY TRIAL**

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

15  
16 Respectfully Submitted,

17 Dated: July 15, 2019

18 /s/ Reza Mirzaie  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing document has been served on July 15, 2019 to all counsel of record via the Court’s CM/ECF system.

Dated: July 15, 2019

/s/ Reza Mirzaie \_\_\_\_\_