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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

DATA SCAPE LIMITED, Plaintiff, vs. CITRIX SYSTEMS, INC., Defendant.	Case No. 2:19-cv-04667 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGMENT** **JURY TRIAL DEMANDED**

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 Defendant Citrix Systems, Inc. ("Defendant" or "Citrix"):

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

JURISDICTION AND VENUE

3.   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).

4.   This Court has personal jurisdiction over Citrix in this action because Citrix has committed acts within the Central District of California giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Citrix would not offend traditional notions of fair play and substantial justice. Citrix, 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.

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

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

COUNT I

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

6.   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.

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

     a. management information: "digital data stored in a program file and configured to enable a controller to electronically locate, extract and/or transfer only select content data without transferring all content data."

     b. compare/comparing/comparison: "performing an electronic analysis of two sets of digital data stored in different apparatuses to determine the differences between them, if any"

     c. controller: "a sub-class of computer microprocessors designed to enable the transfer of digital data"

     d. without regard to the connection: "regardless of whether or not the identified apparatuses are currently connected"

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[1] 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.

e. <u>connected</u>: "electrically communicating via a wired or wireless connection"

f. <u>storage medium</u>: "an identifiable non-volatile computer memory for electronically storing data"

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

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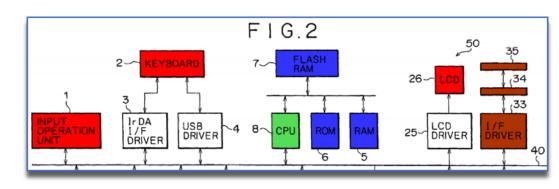
FIG.2

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.");

https://en.wikipedia.org/wiki/Data_synchronization ("Data synchronization is the process of establishing consistency among data from a source to a target data storage and vice versa and the continuous harmonization of the data over time.").

12.   The '675 patent and its file history make clear that each included independent-claim limitations were not in the prior art, let alone well-understood, routine, and conventional. This includes the claimed [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. And the dependent claims also include limitations that were not in the prior art, let alone well-understood, routine, and conventional. *See, e.g.,* limitations of claims 2-12 of the '675 patent.

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

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

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

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

[1c] a processor configured to:

[1d] detect whether said first apparatus and said second apparatus are connected;

select certain data to be transferred;

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

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

[1g] 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.

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

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

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

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

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

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

a **processor** configured to:

detect whether said first apparatus and said second apparatus are connected;

select certain data to be transferred;

edit said management information based on said selection without regard to the connection of said first apparatus and said second apparatus;

compare said management information edited by said processor with management information of data stored in said first storage medium; and

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**.

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

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

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

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

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

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

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

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

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

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

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

21.   Similarly, in a 2005-filed patent application that also cites Data Scape's earlier patents *in the same technical field*, Microsoft made clear that the selective 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?oq=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?oq=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").

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

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

27.   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 include a communication system (e.g., ShareFile product) comprising of StorageZones having a storage medium (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives) and clients (e.g., mobile devices, native desktop client, virtual desktop). https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf.
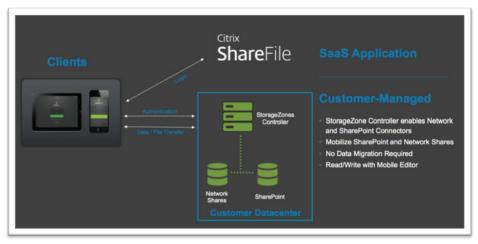

Figure 3. StorageZone Connector architecture

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf

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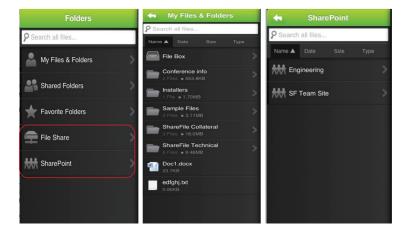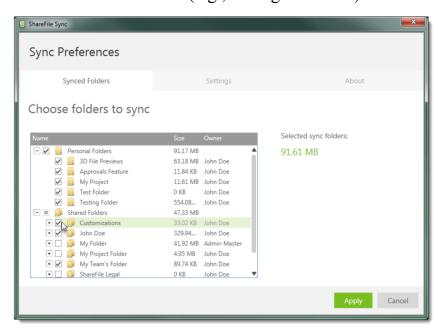

Figure 3. Folder structure in the ShareFile mobile client interface

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. Moreover, the Accused Instrumentalities provide ShareFile Sync tool configured to synchronize selected folders (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.

29.   The Accused Instrumentalities include "a second apparatus comprising a hardware interface 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).
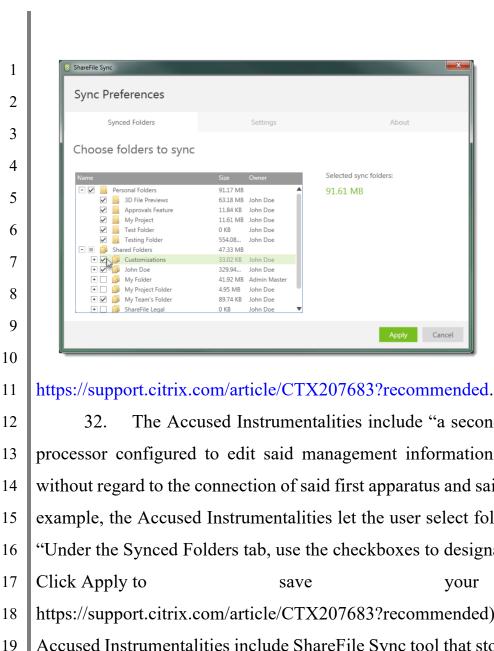
Figure 3. StorageZone Connector architecture

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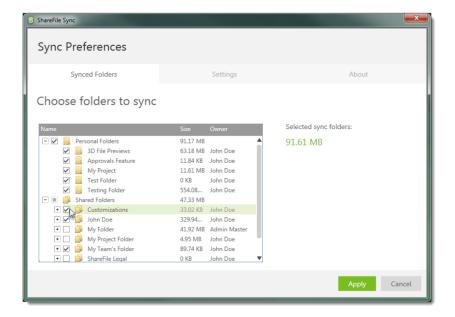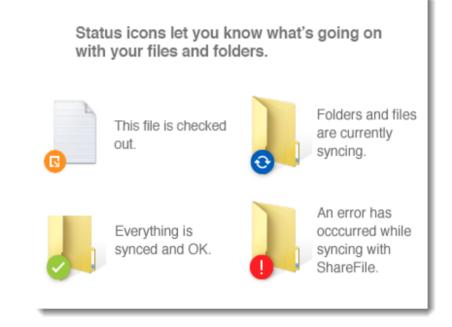
https://support.citrix.com/article/CTX207683?recommended. Moreover, the Accused Instrumentalities are able to edit information about the synchronized folders' structure even when internet connection is unavailable. For example, the Accused Instrumentalities disclose "[W]hen you delete a file from your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

https://support.citrix.com/article/CTX207683?recommended.   The   Accused Instrumentalities also disclose that "[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.   As another 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.

      33.   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, the Accused Instrumentalities provide folders and files synchronization 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).

Status icons let you know what's going on with your files and folders.

This file is checked out.

Folders and files are currently syncing.

Everything is synced and OK.

An error has occcurred while syncing with ShareFile.

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

17   34.   The Accused Instrumentalities further include a "a second apparatus

18 comprising a processor configured to transmit the selected data stored in said second

19 apparatus to said first apparatus via said hardware interface based on said management

20 information edited by said processor when said processor detects that said first

21 apparatus and said second apparatus are connected based upon a result of the

22 comparison."   For example, the Accused Instrumentalities let the user select folders to

23 synchronize (e.g., "Under the Synced Folders tab, use the checkboxes to designate

24 which   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 provides transfer of the

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

28

https://support.citrix.com/article/CTX207683?recommended. As another 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

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf.   Moreover,   the   Accused Instrumentalities detect whether client devices and StorageZones datacenters are connected.   As such, the Accused Instrumentalities disclose that "[I]f internet

18

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

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).

38. 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 outside of the United States.

39. 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).

40. Defendants also indirectly infringe 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.

41.   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.

PRAYER FOR RELIEF

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

a.   A judgment in favor of Plaintiff that Defendant has infringed, literally and/or under the doctrine of equivalents the '675 Patent;

b.   A judgment and order requiring Defendant to pay Plaintiff its damages, 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