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 8 PFU LIMITED

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 PFU LIMITED,
 13
 Plaintiff,
 14
 v.
 15 DATA SCAPE LIMITED,
 16
 Defendant.

Case No. 5:19-cv-4810

**COMPLAINT FOR
 DECLARATORY JUDGMENT OF
 PATENT NONINFRINGEMENT
 DEMAND FOR JURY TRIAL**

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1 Plaintiff PFU Limited hereby alleges for its Complaint against Defendant Data Scope
2 Limited (“Data Scope”), as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for declaratory judgment of noninfringement of U.S. Patent
5 Nos. 7,720,929 (“’929 patent”), 7,617,537 (“’537 patent”), 8,386,581 (“’581 patent”), 10,027,751
6 (“’751 patent”), 9,715,893 (“’893 patent”), and 10,277,675 (“’675 patent”) (collectively, the
7 “Patents-in-Suit”) arising under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the
8 patent laws of the United States, 35 U.S.C. §§ 1 et seq.

9 2. On December 27, 2018, Data Scope filed a complaint against Fujitsu Limited and
10 PFU (EMEA) Limited (“PFU Europe”) in the United States District Court for the Eastern District
11 of Texas, *Data Scope Limited v. PFU (EMEA) Limited and Fujitsu Limited*, Case
12 No. 6:18-cv-00659 (E.D. Tex.) (“’659 Case”), alleging infringement of the ’929 patent,
13 ’537 patent, ’581 patent, ’751 patent, and ’893 patent. Data Scope voluntarily dismissed the
14 ’659 Case on February 8, 2019. A true and correct copy of the complaint in the ’659 Case is
15 attached as Exhibit A. Plaintiff PFU Limited was not a party to the dismissed ’659 Case.

16 3. On February 8, 2019, Data Scope filed a complaint against Fujitsu America, Inc.
17 (“FAI”), Fujitsu Limited, and PFU Europe (collectively, “E.D. Texas Defendants”) in the United
18 States District Court for the Eastern District of Texas, *Data Scope Limited v. Fujitsu America*
19 *Inc., PFU (EMEA) Limited and Fujitsu Limited*, Case No. 6:19-cv-00046 (E.D. Tex.)
20 (“E.D. Texas Case”), alleging infringement of the ’929 patent, ’537 patent, ’581 patent,
21 ’751 patent, and ’893 patent. A true and correct copy of the original complaint in the E.D. Texas
22 Case is attached as Exhibit B. Plaintiff PFU Limited is not a party to the E.D. Texas Case.

23 4. Data Scope has alleged infringement of the ’929 patent, ’537 patent, ’581 patent,
24 ’751 patent, and ’893 patent in the E.D. Texas Case by “Fujitsu products and services, e.g.,
25 ScanSnap Sync, ScanSnap iX500, iX100, SV600, S1300i and S1100i, ScanSnap Connect
26 Application, [and] ScanSnap Organizer.” (Ex. B, ¶¶ 8, 26, 43, 59, 78.) The infringement
27 allegations in the E.D. Texas Case are apparently directed to scanners and associated software.
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1 The accused products in the E.D. Texas Case are referred to collectively in this Complaint as the
2 “ScanSnap Products.”

3 5. The accused ScanSnap Products are not developed, manufactured, sold, or offered
4 for sale within the United States, or imported into the United States, by any of the E.D. Texas
5 Defendants. All of the accused ScanSnap Products are developed and manufactured by Plaintiff
6 PFU Limited in Japan and elsewhere outside the United States. Plaintiff PFU Limited is, and
7 always has been, the sole manufacturer of the accused ScanSnap Products. All of the accused
8 ScanSnap Products that have been imported into the United States have been imported by Fujitsu
9 Computer Products of America, Inc. (“FCPA”). FCPA is a corporation organized and existing
10 under the laws of the State of California and has its principal and only place of business in this
11 District at 1250 East Arques Avenue, Sunnyvale, CA, 94085. FCPA is, and always has been, the
12 sole importer of the accused ScanSnap Products into the United States. After importing the
13 accused ScanSnap Products into the United States, FCPA sells and offers to sell the accused
14 ScanSnap Products from FCPA’s corporate headquarters and sole place of business in Sunnyvale,
15 California, to FCPA’s authorized resellers and/or downstream customers in North America,
16 including within the United States. FCPA is not a party to the E.D. Texas Case.

17 6. On information and belief, Fujitsu America Inc. (“FAI”) is a past customer of
18 FCPA through its authorized resellers for limited quantities of certain of the accused ScanSnap
19 Products. On information and belief, FAI is a corporation organized and existing under the laws
20 of the State of California and has its principal place of business in this District at 1250 East
21 Arques Avenue, Sunnyvale, CA, 94085.

22 7. An actual and justiciable controversy exists under 28 U.S.C. §§ 2201-2202
23 between Plaintiff PFU Limited and Data Scape as to whether Plaintiff and its downstream
24 customers such as FAI infringe any claim of the Patents-in-Suit.

25 **PARTIES**

26 8. Plaintiff PFU Limited is a corporation organized and existing under the laws of
27 Japan and has a principal place of business at Nu 98-2, Unoke, Kahoku-shi, Ishikawa 929-1192,
28 Japan.

1 Patents-in-Suit from Sony Corporation. On information and belief, Data Scape does not develop,
2 manufacture, or sell its own products or services. Data Scape has purposefully availed itself of
3 the privileges and protections of the State of California by engaging in business in California,
4 including activities related to patent enforcement and licensing. Data Scape has previously and
5 voluntarily submitted to jurisdiction and venue in the State of California with respect to the
6 Patents-in-Suit by filing suit in the United States District Court for the Central District of
7 California in Case Nos. 2:18-cv-10658, 2:18-cv-10659, 2:18-cv-10656, 2:18-cv-10653,
8 2:19-cv-01002, 2:19-cv-04367, 2:19-cv-04371, 2:19-cv-04667, and 8:18-cv-02285, and in the
9 United States District Court for the Eastern District of California in Case No. 1:19-cv-00179.

10 14. On December 26, 2018, Data Scape filed suit against Western Digital Corporation
11 and Western Digital Technologies, Inc. (“collectively, “Western Digital”) in the United States
12 District Court for the Central District of California in Case No. 8:18-cv-02285 (“Western Digital
13 Case”) asserting infringement of the ’929 patent, ’537 patent, ’581 patent, and ’893 Patent. A
14 true and correct copy of the original complaint in the Western Digital Case is attached as
15 Exhibit C. On information and belief, Western Digital Corporation’s corporate headquarters are
16 located in this District at 5601 Great Oaks Parkway, San Jose, CA, 95119.

17 15. On May 17, 2019, the United States District Court for the Central District of
18 California granted Western Digital’s motion to dismiss Data Scape’s complaint. (Case
19 No. 8:18-cv-02285). The Court found that each asserted patent in the Western Digital Case is
20 patent ineligible under 35 U.S.C. § 101. Specifically, the Court found that that the ’581 patent,
21 ’929 patent, ’537 patent, and ’893 patent are patent ineligible under 35 U.S.C. § 101. The Court
22 found under step one of the Supreme Court’s test for patent eligibility in *Alice Corp. Pty. Ltd.*
23 *CLS Bank Int’l*, 573 U.S. 208 (2014), that the asserted patents were directed to an abstract idea.
24 The Court found under step two of *Alice* that the claims of the asserted patents do not contain an
25 inventive concept that transforms the claimed abstract idea into patent-eligible subject matter.

26 16. On June 10, 2019, Data Scape filed a motion to alter or amend the judgment and to
27 allow Data Scape leave to file a first amended complaint in the Western Digital Case. (Case
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1 No. 8:18-cv-02285.) On July 12, 2019, the United States District Court for the Central District of
2 California denied Data Scape's motion. The Court's Order stated:

3 Overall, Plaintiff's amendments do not remedy the deficiencies in
4 its Complaint. Plaintiff has therefore failed to demonstrate that
5 leave to amend would have been anything but futile. Ultimately,
6 the issues with Plaintiff's patent infringement claims do not come
7 from the Complaint's particular factual allegations, but instead,
8 derive from the Asserted Patents themselves. The Asserted
9 Patents, reasonably construed, inherently refer to an abstract
10 process implemented using generic computer technology.
11 Because such patents cannot withstand § 101 analysis, the Court
12 did not err in dismissing Plaintiff's claims with prejudice.

9 17. Data Space filed a notice of appeal in the Western Digital Case to the United
10 States Court of Appeals for the Federal Circuit on July 15, 2019.

11 18. On December 26, 2018, Data Scape filed suit against Citrix Systems, Inc.
12 ("Citrix") in the United States District Court for the Central District of California asserting
13 infringement of the '929 patent, '537 patent, '751 patent, and '893 patent. On information and
14 belief, Citrix has a principal place of business located in this District at 4988 Great America
15 Parkway, Santa Clara, CA, 95054. Data Scape's case against Citrix was pending in the United
16 States District Court for the Central District of California in Case No. 2:18-cv-10658. A true and
17 correct copy of the original complaint in Case No. 2:18-cv-10658 is attached as Exhibit D. After
18 the United States District Court for the Central District of California found that the '929 patent,
19 '537 patent, '751 patent, and '893 patent were patent ineligible in the Western Digital Case, Data
20 Scape voluntarily dismissed its complaint against Citrix on May 29, 2019.

21 19. On December 26, 2018, Data Scape filed suit against Apple Inc. ("Apple") in the
22 United States District Court for the Central District of California asserting infringement of the
23 '929 patent, '537 patent, '751 patent, and other patents. On information and belief, Apple is a
24 corporation organized and existing under the laws of the State of California with its corporate
25 headquarters located in this District at 1 Apple Park Way, Cupertino, CA, 95014. Data Scape's
26 case against Apple was pending in the United States District Court for the Central District of
27 California in Case No. 2:18-cv-10659. A true and correct copy of the original complaint in Case
28 No. 2:18-cv-10659 is attached as Exhibit E. On July 24, 2019, Apple moved for leave to add a

1 declaratory judgment counterclaim of invalidity of the '675 patent. On July 24, 2019, Apple filed
2 a renewed motion to transfer venue to the United States District Court for the Northern District of
3 California. On August 6, 2019, the parties filed a Joint Stipulation to Stay All Deadlines and
4 Notice of Settlement in Case No. 2:18-cv-10659 which states that “[t]he Parties have reached a
5 settlement in principle to resolve all claims and defenses in this case.” On information and belief,
6 Data Scape has agreed to license at least the '929 patent, '537 patent, and '751 patent to Apple,
7 whose corporate headquarters are located in this District, pursuant to the settlement of Case
8 No. 2:18-cv-10659. On August 9, 2019, the United States District Court for the Central District
9 of California dismissed Case No. 2:18-cv-10659 without prejudice in response to the notice of
10 settlement.

11 20. On December 26, 2018, Data Scape filed suit against Pandora Media, Inc.
12 (“Pandora”) in the United States District Court for the Central District of California asserting
13 infringement of the '929 patent, '537 patent, and other patents. On information and belief,
14 Pandora is a corporation organized and existing under the laws of the State of California with its
15 corporate headquarters located in this District at 2100 Franklin Street, Oakland, CA, 94612. Data
16 Scape’s case against Pandora was pending in the United States District Court for the Central
17 District of California in Case No. 2:18-cv-10656. A true and correct copy of the original
18 complaint in Case No. 2:18-cv-10656 is attached as Exhibit F. After the United States District
19 Court for the Central District of California found that the '929 patent, '537 patent, '751 patent,
20 and '893 patent were patent ineligible in the Western Digital Case, Data Scape voluntarily
21 dismissed its complaint against Pandora on May 23, 2019.

22 21. On December 26, 2018, Data Scape filed suit against Spotify USA Inc. and
23 Spotify Technology S.A. in the United States District Court for the Central District of California
24 asserting infringement of the '929 patent and '537 patent and other patents. Data Scape’s case
25 against Spotify USA Inc. and Spotify Technology S.A. was pending in the United States District
26 Court for the Central District of California in Case No. 2:18-cv-10653. A true and correct copy
27 of the original complaint in Case No. 2:18-cv-10653 is attached as Exhibit G. After the United
28 States District Court for the Central District in California found the '929 patent, '537 patent,

1 '751 patent, and '893 patent were patent ineligible in the Western Digital Case, Data Scape
2 voluntarily dismissed its complaint against Spotify USA Inc. and Spotify Technology S.A. on
3 May 20, 2019.

4 22. On December 27, 2018, Data Scape filed suit against SAP America, Inc., in the
5 United States District Court for the Eastern District of Texas asserting infringement of the
6 '929 patent, '751 patent, '581 patent, '893 patent, and '537 patent. Data Scape's case against
7 SAP America, Inc., is currently pending in the United States District Court for the Eastern
8 District of Texas in Case No. 6:18-cv-00660. A true and correct copy of the original complaint in
9 Case No. 6:18-cv-00660 is attached as Exhibit H. On June 6, 2019, SAP America, Inc., filed a
10 motion to transfer venue to the United States District Court for the Northern District of
11 California. SAP America, Inc.'s motion to transfer is currently pending. The United States
12 District Court for the Eastern District of Texas set a hearing date for the transfer motion for
13 August 20, 2019. On August 14, 2019, the parties filed a Joint Motion to Stay All Deadlines and
14 Notice of Settlement in Case No. 6:18-cv-00660 which states that "Data Scape has reached an
15 agreement with a third-party that resolves all matters in controversy between the Parties." The
16 joint motion to stay is currently pending.

17 23. On January 9, 2019, Data Scape filed suit against F5 Networks, Inc. ("F5") in the
18 United States District Court for the District of Colorado asserting infringement of the '929 patent,
19 '751 patent, '581 patent, '893 patent, and '537 patent. Data Scape's case against F5 is currently
20 pending in the United States District Court for the District of Colorado in Case
21 No. 1:19-cv-00064. A true and correct copy of the original complaint in Case No. 1:19-cv-00064
22 is attached as Exhibit I. On April 12, 2019, F5 filed a motion to transfer venue to the Northern
23 District of California. F5's transfer motion is currently pending. The United States District Court
24 for the District of Colorado set a hearing date for the transfer motion for August 20, 2019. On
25 August 14, 2019, the parties filed a Joint Motion to Stay All Deadlines and Notice of Settlement
26 in Case No. 1:19-cv-00064 which states that "[t]he Parties have reached a settlement in principle
27 to resolve all claims and defenses in this case." The joint motion to stay is currently pending. On
28 information and belief, Data Scape has agreed to license at least the 929 patent, '751 patent,

1 '581 patent, '893 patent, and '537 patent to F5, whose corporate headquarters are located in this
2 District, pursuant to the settlement of Case No. 1:19-cv-00064.

3 24. On February 7, 2019, Data Scape filed suit against Barracuda Networks Inc.
4 ("Barracuda") in the United States District Court for the Eastern District of California asserting
5 infringement of the '929 patent, '751 patent, '581 patent, and '893 patent. On information and
6 belief, Barracuda's corporate headquarters are located in this District at 3175 Winchester
7 Boulevard, Campbell, CA, 95008. Data Scape's case against Barracuda is currently pending in
8 the United States District Court for the Eastern District of California in Case No. 1:19-cv-00179.
9 A true and correct copy of the original complaint in Case No. 1:19-cv-00179 is attached as
10 Exhibit J. On May 6, 2019, Barracuda filed a motion to transfer venue to the Northern District of
11 California. Barracuda's motion to transfer venue to the United States District Court for the
12 Northern District of California is currently pending. The United States District Court for the
13 Eastern District of California held a hearing regarding the transfer motion on July 12, 2019, and
14 noted that an Order is forthcoming.

15 25. On February 11, 2019, Data Scape filed suit against Teradata Operations Inc.
16 ("Teradata") in the United States District Court for the Central District of California asserting
17 infringement of the '929 patent and '581 patent. On information and belief, Teradata's corporate
18 headquarters are located at 17095 Via Del Campo, San Diego, CA, 92127. Data Scape's case
19 against Teradata was pending in the United States District Court for the Central District of
20 California in Case No. 2:19-cv-01002. A true and correct copy of the original complaint in Case
21 No. 2:19-cv-01002 is attached as Exhibit K. After the United States District Court for the Central
22 District of California found the '929 patent, '537 patent, '751 patent, and '893 patent were patent
23 ineligible in the Western Digital Case, Data Scape voluntarily dismissed its complaint against
24 Teradata on May 28, 2019.

25 26. On May 20, 2019, Data Scape filed suit against Spotify USA Inc. and Spotify
26 Technology S.A. in the United States District Court for the Central District of California asserting
27 infringement of the '675 patent and other patents. Data Scape's case against Spotify USA Inc.
28 and Spotify Technology S.A. is currently pending in the United States District Court for the

1 Central District of California in Case No. 2:19-cv-04367. A true and correct copy of the original
2 complaint in Case No. 2:19-cv-04367 is attached as Exhibit L.

3 27. On May 20, 2019, Data Scope filed suit against Pandora in the United States
4 District Court for the Central District of California asserting infringement of the '675 patent and
5 other patents. On information and belief, Pandora is a corporation organized and existing under
6 the laws of the State of California with its corporate headquarters located in this District at
7 2100 Franklin Street, Oakland, CA, 94612. Data Scope's case against Pandora is currently
8 pending in the United States District Court for the Central District of California in Case
9 No. 2:19-cv-04371. A true and correct copy of the original complaint in Case
10 No. 2:19-cv-04371 is attached as Exhibit M.

11 28. On May 29, 2019, Data Scope filed suit against Citrix in the United States District
12 Court for the Central District of California asserting infringement of the '675 patent. On
13 information and belief, Citrix has a principal place of business located in this District at
14 4988 Great America Parkway, Santa Clara, CA, 95054. Data Scope's case against Citrix is
15 currently pending in the United States District Court for the Central District of California in Case
16 No. 2:19-cv-04667. A true and correct copy of the original complaint No. 2:19-cv-04667 is
17 attached as Exhibit N.

18 29. On May 20, 2019, Data Scope filed suit against Apple in the United States District
19 Court for the Western District of Texas asserting infringement of the '675 patent in Case
20 No. 6:19-cv-00310. A true and correct copy of the original complaint in Case No. 6:19-cv-00310
21 is attached as Exhibit X. On information and belief, Apple is a corporation organized and
22 existing under the laws of the State of California with its corporate headquarters located in this
23 District at 1 Apple Park Way, Cupertino, CA, 95014. On August 6, 2019, the parties filed a Joint
24 Motion to Stay All Proceedings and Notice of Settlement in Case No. 6:19-cv-00310 which states
25 that "[a]ll matters in controversy between Data Scope and Apple have been settled, in principle."
26 On information and belief, Data Scope has agreed to license at least the '675 patent to Apple,
27 whose corporate headquarters are located in this District, pursuant to the settlement of Case
28 No. 6:19-cv-00310.

1 30. On May 20, 2019, Data Scape filed suit against Dell Technologies Inc., Dell Inc.,
2 and EMC Corporation in the United States District Court for the Western District of Texas
3 asserting infringement of the '675 patent.

4 31. On May 20, 2019, Data Scape filed suit against Teradata in the United States
5 District Court for the Western District of Texas asserting infringement of the '675 patent. On
6 information and belief, Teradata's corporate headquarters are located at 17095 Via Del Campo,
7 San Diego, CA, 92127.

8 32. On May 20, 2019, Data Scape filed suit against Verizon Communications Inc. and
9 Verizon Connect Inc. in the United States District Court for the Western District of Texas
10 asserting infringement of the '675 patent.

11 33. On May 21, 2019, Data Scape filed suit against Amazon.com, Inc., and Amazon
12 Digital Services LLC in the United States District Court for the Western District of Texas
13 asserting infringement of the '675 patent.

14 34. On May 21, 2019, Data Scape filed suit against Box, Inc. ("Box") in the United
15 States District Court for the Western District of Texas asserting infringement of the '675 patent.
16 Data Scape's case against Box is currently pending in the United States District Court for the
17 Western District of Texas in Case No. 6:19-cv-00315. A true and correct copy of the original
18 complaint in Case No. 6:19-cv-00315 is attached as Exhibit Y. On information and belief, Box's
19 corporate headquarters are located in this District at 900 Jefferson Avenue, Redwood City, CA,
20 94063. On August 13, 2019, the parties filed a Joint Motion to Stay and Notice of Resolution in
21 Case No. 6:19-cv-00315 which states that "[a] resolution in principle has been reached to resolve
22 all matters in controversy between Data Scape and Box." On information and belief, Data Scape
23 has agreed to license at least the '675 patent to Box, whose corporate headquarters are located in
24 this District, pursuant to the resolution of Case No. 6:19-cv-00315.

25 35. On May 21, 2019, Data Scape filed suit against Dropbox, Inc. ("Dropbox") in the
26 United States District Court for the Western District of Texas asserting infringement of the
27 '675 patent. On information and belief, Dropbox's corporate headquarters are located in this
28 District at 333 Brannan Street, San Francisco, CA, 94107. Data Scape's case against Dropbox is

1 currently pending in the United States District Court for the Western District of Texas in Case
2 No. 6:19-cv-00316. A true and correct copy of the original complaint in Case No. 6:19-cv-00316
3 is attached as Exhibit O. On July 3, 2019, Dropbox filed a motion to transfer venue to the United
4 States District Court for the Northern District of California. Dropbox's motion to transfer venue
5 to this District is currently pending. The United States District Court for the Western District of
6 Texas set a hearing date for the transfer motion for August 22, 2019. On August 13, 2019, the
7 parties filed a Joint Motion to Stay All Proceedings and Notice of Settlement in Case
8 No. 6:19-cv-00316 which states that "[a]ll matters in controversy between Data Scape and
9 Dropbox have been settled, in principle." On information and belief, Data Scape has agreed to
10 license at least the '675 patent to Dropbox, whose corporate headquarters are located in this
11 District, pursuant to the settlement of Case No. 6:19-cv-00316. On August 14, 2019, the United
12 States District Court for the Western District of Texas granted the motion to stay, including with
13 respect to the pending hearing on the transfer motion.

14 36. On information and belief, attorneys from the law firm Russ August & Kabat, a
15 firm that is located in the Central District of California at 12424 Wilshire Boulevard, 12th Floor,
16 Los Angeles, CA 90025, are lead counsel for Data Scape in the E.D. Texas Case. On information
17 and belief, Data Scape's lead counsel for all patent infringement actions that Data Scape has filed
18 asserting any of the Patents-in-Suit are attorneys from the law firm Russ August & Kabat located
19 in the Central District of California at 12424 Wilshire Boulevard, 12th Floor, Los Angeles, CA
20 90025. On information and belief, Data Scape's agents for correspondence with the U.S. Patent
21 & Trademark Office for the '929 patent, '537 patent, '581 patent, and '891 patent are attorneys
22 from the law firm Russ August & Kabat located in the Central District of California at
23 12424 Wilshire Boulevard, 12th Floor, Los Angeles, CA 90025.

24 37. On information and belief, Data Scape has licensed one or more of the
25 Patents-in-Suit to one or more corporations with a principal place of business in the Northern
26 District of California, including Oracle Corporation ("Oracle"). On information and belief,
27 Oracle's corporate headquarters and principal place of business is located at 500 Oracle Parkway,
28 Redwood City, CA, 94065. On information and belief, Data Scape has licensed the '929 patent to

1 Oracle. On information and belief, Data Scape has licensed the '537 patent to Oracle. On
2 information and belief, Data Scape has licensed the '581 patent to Oracle. On information and
3 belief, Data Scape has licensed the '751 patent to Oracle. On information and belief, Data Scape
4 has licensed the '893 patent to Oracle. On information and belief, Data Scape has licensed the
5 '675 patent to Oracle.

6 38. On information and belief, Data Scape contends that one or more of Oracle's
7 products or services practice one or more claims of the '929 patent. On information and belief,
8 Data Scape contends that one or more of Oracle's products or services practice one or more
9 claims of the '537 patent. On information and belief, Data Scape contends that one or more of
10 Oracle's products or services practice one or more claims of the '581 patent. On information and
11 belief, Data Scape contends that one or more of Oracle's products or services practice one or
12 more claims of the '751 patent. On information and belief, Data Scape contends that one or more
13 of Oracle's products or services practice one or more claims of the '893 patent. On information
14 and belief, Data Scape contends that one or more of Oracle's products or services practice one or
15 more claims of the '675 patent.

16 39. On information and belief, the Oracle products and services that Data Scape
17 contends practice one or more claims of the Patents-in-Suit are developed in this District,
18 including Oracle Data Guard.

19 40. On February 28, 2019, Data Scape filed a complaint with the U.S. International
20 Trade Commission ("ITC Complaint") against Respondents Apple, Amazon.com, Inc., Amazon
21 Digital Services, LLC, Verizon Communications Inc., and Cellco Partnership d/b/a Verizon
22 Wireless asserting infringement of the '929 patent, '537 patent, and '581 patent, which the ITC
23 Complaint defines as the "Asserted Patents." On information and belief, Apple is a corporation
24 organized and existing under the laws of the State of California with its corporate headquarters
25 located in this District at 1 Apple Park Way, Cupertino, CA, 95014. A true and correct copy of
26 the ITC Complaint is attached to this Complaint as Exhibit P. Data Scape alleged in paragraph 81
27 of the ITC Complaint that "[a] domestic industry as defined in Section 337(a) exists in the United
28 States as the result of domestic activities related to products and services that practice the

1 Asserted Patents.” Data Scape further alleged in the ITC Complaint that “[t]hese activities
2 include the current and anticipated future significant and substantial domestic investments of
3 licensees C-Scape Consulting Corporation (‘C-Scape’) and Oracle Corporation (‘Oracle’).”

4 41. Data Scape alleged as follows in paragraph 90 of the ITC Complaint:
5 “Complainant Data Scape has licensed the Asserted Patents to Oracle for use in the manufacture,
6 research and development, and engineering of covered products. (See Confidential
7 Exhibit 29C.).”

8 42. Data Scape alleged as follows in paragraph 91 of the ITC Complaint: “On
9 information and belief, Oracle engages in manufacturing, engineering, and research and
10 development activities in the United States with respect to the Asserted Patents. Oracle’s
11 investment in U.S. plant and equipment and labor and capital is significant. Moreover, Oracle has
12 made substantial investment in engineering and research and development with respect to
13 exploiting the Asserted Patents considering the industry in general, Oracle’s relative size, and the
14 relative importance of Oracle’s domestic operation compared to its activities overseas.”

15 43. Data Scape alleged as follows in paragraph 92 of the ITC Complaint: “Founded in
16 1977, Oracle is one of Silicon Valley’s and America’s great corporate successes. (See Ex. 34.)
17 Its founders pioneered the first commercial relational database management system and, since
18 then, Oracle has been the leading supplier of database software to businesses throughout the
19 world. (*Id.*) Oracle’s customers include all the Fortune 100 companies and the top 20 airline,
20 automotive, banking, insurance, oil and gas, pharmaceutical, retail, utility, and
21 telecommunications companies. (*Id.*) As of 2018, Oracle had approximately 49,000 U.S.
22 employees located across all 50 states. (Ex. 35.) Oracle develops and sells not only database
23 software but also application software, middleware software, operating system software,
24 virtualization software, engineered systems, servers, and storage systems. (*Id.*).”

25 44. Data Scape alleged as follows in paragraph 93 of the ITC Complaint: “Oracle
26 separates itself into three business divisions: its cloud and license business, its hardware business,
27 and its services business. (*Id.* at 4.). Oracle’s cloud and license business includes the Oracle
28 Database, which is ‘the world’s most popular enterprise database.’ (*Id.*) Oracle’s cloud and

1 license business represented 82% of its total revenues in 2018, which amounts to \$32 billion in
2 revenue.”

3 45. Data Scope alleged as follows in paragraph 94 of the ITC Complaint: “On
4 information and belief, Oracle’s cloud and license business is also responsible for the research,
5 development, and implementation of Oracle Data Guard, which is a feature ‘included with Oracle
6 Database Enterprise Edition.’ (Ex. 36.) Data Guard ‘provides the management, monitoring, and
7 automation software to create and maintain one or more standby databases to protect Oracle data
8 from failures, disasters, human error, and data corruptions while providing high availability for
9 mission critical applications. (*Id.*).”

10 46. Data Scope alleged as follows in paragraph 95 of the ITC Complaint: “Oracle’s
11 Data Guard products and services (‘Oracle Domestic Industry Products’) practice at least
12 ’929 patent claim 19, ’581 patent claim 15, and ’537 patent claim 1. Claim charts that apply the
13 Asserted Patents to Oracle’s Data Guard are attached as Exhibits 37-39.”

14 47. Data Scope alleged as follows in paragraph 96 of the ITC Complaint: “A domestic
15 industry as defined by 19 U.S.C. § 1337(a)(3)(A) exists in the United States with respect to the
16 articles protected by the Asserted Patents via Oracle’s significant investment in plant and
17 equipment. Oracle invests significant sums in domestic plant and equipment relating to the
18 Oracle Domestic Industry Products.”

19 48. Data Scope alleged as follows in paragraph 97 of the ITC Complaint:
20 “Specifically, Oracle’s headquarters, located in Redwood City, California, consists of
21 approximately 2.1 million square feet. (Ex. 35).”

22 49. Data Scope alleged as follows in paragraph 98 of the ITC Complaint: “A domestic
23 industry as defined by 19 U.S.C. § 1337(a)(3)(B) exists in the United States with respect to the
24 articles protected by the Asserted Patents via Oracle’s significant employment of labor and/or
25 capital. Oracle invests significant sums in domestic labor and capital relating to the Oracle
26 Domestic Industry Products. Specifically, Oracle ‘develop[s] the substantial majority of [its]
27 product offerings internally.’ (*Id.*) Oracle states that ‘[i]nternal development allows [it] to
28 maintain technical control over the design and development of [its] products (*Id.*).”

1 50. Data Scope alleged as follows in paragraph 99 of the ITC Complaint: “Oracle’s
2 total research and development expenditures were \$6.1 billion, \$6.2 billion and \$5.8 billion in
3 fiscal 2018, 2017 and 2016, respectively, or 15% of its total revenues in fiscal 2018 and 16% of
4 total revenues in each of fiscal 2017 and 2016. (*Id.*) Oracle ‘plan[s] to continue to dedicate a
5 significant amount of resources to research and development efforts to maintain and improve [its]
6 current product and services offerings.’ (*Id.*) On information and belief, and by allocating
7 Oracle’s research and development expenses among its three businesses according to those
8 businesses share of revenue, approximately 82% of Oracle’s research and development expenses
9 can be allocated to its cloud and license business, which includes the Oracle Database and Oracle
10 Data Guard.”

11 51. Data Scope alleged as follows in paragraph 100 of the ITC Complaint: “Oracle
12 Labs is the ‘sole organization at Oracle that is devoted exclusively to research.’ (Ex. 40.) Oracle
13 Labs is headquartered in Redwood Shores, California, and has additional U.S. based research
14 centers in Burlington, Massachusetts; Austin, Texas; and San Diego, California. (Ex. 41).”

15 52. Data Scope alleged as follows in paragraph 102 of the ITC Complaint: “A
16 domestic industry as defined by 19 U.S.C. § 1337(a)(3)(C) exists in the United States with respect
17 to the articles protected by the Asserted Patents via Oracle’s substantial investment in its
18 engineering, research, and development directed to the Domestic Industry Products and services
19 for the reasons stated above.”

20 53. On information and belief, Data Scope sought an exclusion order from the
21 International Trade Commission to exclude the importation of products sold by Respondents
22 Apple, Amazon.com, Inc., Amazon Digital Services, LLC, Verizon Communications Inc., and
23 Cellco Partnership d/b/a Verizon Wireless in view of the domestic industry Data Scope alleges
24 exists as a result of Oracle’s research and development activities that occur at Oracle’s corporate
25 headquarters in this District with respect to Oracle products and services that Data Scope alleges
26 are covered by one or more claims of the Patents-in-Suit, including Oracle Data Guard. On
27 information and belief, Data Scope withdrew its ITC Complaint because the ’929, ’581, and
28

1 '537 patents were found to be patent ineligible under 35 U.S.C. § 101 in the Western Digital
2 Case.

3 54. This dispute should be resolved in this District, where Plaintiff PFU Limited, the
4 sole manufacturer of the accused ScanSnap products has filed this declaratory judgment action,
5 where venue is proper, where FCPA, the sole importer of the accused ScanSnap Products, is
6 located, where many companies that have agreed to take licenses to one or more of the
7 Patents-in-Suit are headquartered, and where Data Scape contends that its patent licensee Oracle
8 makes “substantial investment in its engineering, research, and development” directed to products
9 and services that Data Scape alleges are covered by at least three of the Patents-in-Suit.

10 **INTRADISTRICT ASSIGNMENT**

11 55. Pursuant to Civil L.R. 3-2(c) and 3-5(b), this is an Intellectual Property Action
12 subject to assignment on a district-wide basis.

13 **PATENTS-IN-SUIT**

14 56. The '929 patent, entitled “Communication System And Its Method and
15 Communication Apparatus And Its Method,” states on its face that it issued on May 18, 2010. A
16 true and correct copy of the '929 patent is attached as Exhibit Q. On information and belief, Data
17 Scape is the owner by assignment of the '929 patent.

18 57. The '537 patent, entitled “Communication System And Its Method and
19 Communication Apparatus And Its Method,” states on its face that it issued on November 10,
20 2009. A true and correct copy of the '537 patent is attached as Exhibit R. On information and
21 belief, Data Scape is the owner by assignment of the '537 patent.

22 58. The '581 patent, entitled “Communication System And Its Method and
23 Communication Apparatus And Its Method,” states on its face that it issued on February 26,
24 2013. A true and correct copy of the '581 patent is attached as Exhibit S. On information and
25 belief, Data Scape is the owner by assignment of the '581 patent.

26 59. The '751 patent, entitled “Communication System And Its Method and
27 Communication Apparatus And Its Method,” states on its face that it issued on July 17, 2018. A
28

1 true and correct copy of the '751 patent is attached as Exhibit T. On information and belief, Data
2 Scape is the owner by assignment of the '751 patent.

3 60. The '893 patent, entitled "Recording Apparatus, Server Apparatus, Recording
4 Method, Program And Storage Medium," states on its face that it issued on July 25, 2017. A true
5 and correct copy of the '893 patent is attached as Exhibit U. On information and belief, Data
6 Scape is the owner by assignment of the '893 patent.

7 61. The '675 patent, entitled "Communication System And Its Method and
8 Communication Apparatus And Its Method," states on its face that it issued on April 30, 2019. A
9 true and correct copy of the '675 patent is attached as Exhibit V. On information and belief, Data
10 Scape is the owner by assignment of the '675 patent.

11 62. On information and belief, the '537 patent, '929 patent, '581 patent, '751 patent,
12 and '675 patent are related. The '537 patent and '929 patent state on their face that they are a
13 division of patent application no. 09/665,786. The '581 patent states on its face that it is a
14 continuation of patent application no. 10/864,132, which is a division of patent application
15 no. 09/665,786. The '751 patent states on its face that it claims priority to a series of continuation
16 applications that stem from patent application no. 09/665,786. The '675 patent states on its face
17 that it stems from a continuation of application no. 15/651,949, which issued as the '751 patent.
18 The '537 patent, '929 patent, '581 patent, and '751 patent all identify Akihiro Morohashi as the
19 sole inventor on their faces.

20 **FACTUAL BACKGROUND**

21 63. PFU Limited is a Japanese corporation that provides total ICT solutions and
22 services-hardware such as document scanners.¹ PFU Limited develops and manufactures
23 scanners, including the ScanSnap series of scanners.² PFU Limited also develops the associated
24 software for ScanSnap scanners, such as ScanSnap Organizer and ScanSnap Connect Application.

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26
27 ¹ See <https://www.pfu.fujitsu.com/en/corporate/business/>.

28 ² See <https://www.pfu.fujitsu.com/en/corporate/business/>.

1 64. FCPA is an established leader in the document imaging industry, delivering
2 innovative scanning solutions and services that enable FCPA's customers to solve critical
3 business productivity issues and streamline operations.³ FCPA is headquartered in this District in
4 Sunnyvale, CA. FCPA imports ScanSnap scanners in this District and sells ScanSnap scanners in
5 the United States, including in this District. FCPA also provides ScanSnap software including,
6 ScanSnap Organizer and ScanSnap Connect Application.⁴

7 65. On December 27, 2018, Data Scape filed a complaint against Fujitsu Limited and
8 PFU Europe in the United States District Court for the Eastern District of Texas, *Data Scape*
9 *Limited v. PFU (EMEA) Limited and Fujitsu Limited*, Case No. 6:18-cv-00659 (E.D. Tex.),
10 alleging infringement of infringement of the '929 patent, '537 patent, '581 patent, '751 patent,
11 and '893 patent. On January 31, 2019, Fujitsu Limited moved to dismiss the '659 Case because
12 Fujitsu Limited was not properly served. On information and belief, Data Scape attempted to
13 serve Fujitsu Limited by mailing the summons and complaint to CT Corporation System, located
14 in the Central District of California at 818 West Seventh Street, Los Angeles, CA, 98017. Fujitsu
15 Limited moved to dismiss the '629 Case and quash service on the grounds that CT Corporation
16 System was not Fujitsu Limited's designated agent for service of process. Data Scape filed a
17 notice of voluntary dismissal of the '629 Case on February 8, 2019.

18 66. On February 8, 2019, Data Scape filed a complaint against Fujitsu Limited, PFU
19 Europe, and Fujitsu America, Inc. in the United States District Court for the Eastern District of
20 Texas, encaptioned *Data Scape Limited v. Fujitsu America, Inc., PFU (EMEA) Limited and*
21 *Fujitsu Limited*, Case No. 6:19-cv-00046 (E.D. Tex.) ("E.D. Texas Case"), alleging infringement
22 of the '929 patent, '537 patent, '581 patent, '751 patent, and '893 patent. On information and
23 belief, Data Scape has not properly served Fujitsu Limited or PFU Europe with the summons and
24 an operative complaint for the E.D. Texas Case. On information and belief, Data Scape
25

26 ³ See <https://www.fujitsu.com/us/about/local/corporate/subsidiaries/fcpa/about/>.

27 ⁴ See <https://www.fujitsu.com/us/about/resources/news/press-releases/2015/fcpa-20151102.html>.

1 attempted to serve FAI with the summons and complaint in the E.D. Texas Case by mailing them
2 to FAI's designated agent for service of process, CT Corporation System, located in the Central
3 District of California at 818 West Seventh Street, Los Angeles, CA, 98017.

4 67. Data Scope filed an amended complaint in the E.D. Texas Case on May 3, 2019,
5 that alleges infringement of the '929 patent, '537 patent, '581 patent, '751 patent, and '893 patent
6 ("the E.D. Texas Complaint"). A true and correct copy of the amended complaint is attached as
7 Exhibit W. FAI moved to dismiss Data Scope's claims of pre-suit indirect infringement and
8 pre-suit damages on May 17, 2019. Data Scope stated in opposition to FAI's motion that: "The
9 FAC does not allege, and did not intend to allege, that Fujitsu had pre-suit knowledge of the
10 Asserted Patents." Data Scope also stated that "Data Scope Is Not Currently Seeking Pre-Suit
11 Damages for the '929, '581, '573, and '893 Patents" in response to FAI's argument that Data
12 Scope cannot seek pre-suit damages because Data Scope has licensed the '929, '537, '581, '751,
13 and '893 patents but failed to plead compliance with 35 U.S.C. § 287(a), the notice and marking
14 statute, for the '929, '537, '581, '751, and '893 patents in the E.D. Texas Complaint. FAI's
15 motion is currently pending.

16 68. Data Scope has alleged infringement of the Patents-in-Suit in the E.D. Texas Case
17 by "Fujitsu products and services, e.g., ScanSnap Sync, ScanSnap iX500, iX100, SV600, S1300i
18 and S1100i, ScanSnap Connect Application, [and] ScanSnap Organizer." (Ex. B, ¶¶ 8, 26, 43, 59,
19 78.) Data Scope alleges direct infringement of each of the Patents-in-Suit by "Fujitsu," which the
20 E.D. Texas Complaint states collectively refers to defendants Fujitsu Limited, PFU Europe, and
21 FAI. (Ex. B at 1 & ¶¶ 9, 27, 44, 60, 79.) Specifically, Data Scope alleges that "Fujitsu" infringes
22 at least claim 1 of the '929 patent, claim 1 of the '537 patent, claim 1 of the '581 patent, claim 1
23 of the '751 patent, and claim 32 of the '893 patent. (Ex. B at 1, ¶¶ 9, 27, 44, 60, 79.) Data Scope
24 also alleges that "Fujitsu" induces the infringement of each of the Patents-in-Suit. (Ex. B, ¶¶ 12,
25 30, 47, 63, 82.)

26 69. The E.D. Texas Defendants do not develop, manufacture, sell, or offer to sell
27 within the United States, and do not import into the United States, the accused ScanSnap
28 Products.

1 70. Fujitsu Limited is a Japanese corporation with its corporate headquarters in Tokyo,
2 Japan. Fujitsu Limited does not develop, manufacture, sell or offer to sell within the United
3 States, or import into the United States, the accused ScanSnap Products.

4 71. PFU Europe is a United Kingdom company with its corporate headquarters in the
5 United Kingdom. PFU Europe is responsible for marketing and sales of Fujitsu document
6 scanners in Europe, the Middle East, and Africa.⁵ PFU Europe does not develop, manufacture,
7 sell, or offer to sell within the United States, or import into the United States, the accused
8 ScanSnap Products.

9 72. FAI offers business technology services, cloud services, computing platforms, and
10 industry solutions.⁶ FAI is headquartered and has a principal place of business at 1250 E. Arques
11 Avenue, Sunnyvale, CA 94085. FAI does not does not develop, manufacture, sell, or offer to sell
12 within the United States, or import into the United States, the accused ScanSnap Products. FAI is
13 a past customer of FCPA through its authorized resellers for limited quantities of certain of the
14 accused ScanSnap Products.

15 73. On information and belief, Data Scape is aware that FCPA sells the Scan Snap
16 Products that are accused in the E.D. Texas Case. Data Scape cites five times to an FCPA press
17 release in the E.D. Texas Complaint when discussing its infringement allegations for the accused
18 ScanSnap products. (Ex. B, ¶¶ 12, 30, 47, 63, 82.) Data Scape alleges in paragraphs 12, 30, 47,
19 63, and 82 of the E.D. Texas Complaint: “For example, Fujitsu explains to customers the benefits
20 of using the Accused Instrumentalities, such as by touting their advantages of enhancing ‘the
21 overall ‘organization’ of scanned content between systems.’

22 See <http://www.fujitsu.com/us/about/resources/news/press-releases/2015/fcpa-20151102.html>.”

23 (*Id.*) Data Scape cites these FCPA press releases as alleged evidence that the E.D. Texas
24 Defendants are inducing infringement of the ’929, ’537, ’581, ’751, and ’893 patents. (*Id.*)

26
27 ⁵ See <https://www.fujitsu.com/uk/about/local/corporate/subsidiaries/fel/index.html>.

28 ⁶ See <https://www.fujitsu.com/us/about/local/corporate/subsidiaries/fai/>.

1 sold and/or imported into the United States Fujitsu products and services that infringe the
2 [Patents-in-Suit]” and that “these infringing products and services include, without limitation,
3 Fujitsu products and services, e.g., ScanSnap Sync, ScanSnap iX500, iX100, SV600, S1300i and
4 S1100i, ScanSnap Connect Application, [and] ScanSnap Organizer,” but includes no factual
5 allegations that FAI has offered for sale, sold and/or imported into the United States any accused
6 ScanSnap Products. (Ex. B ¶¶ 8, 26, 43, 59, 78.) Data Scape did not cite to any FAI press
7 releases in the E.D. Texas Complaint.

8 77. On information and belief, Data Scape’s decision to sue FAI instead of FCPA
9 while knowing FCPA (and not FAI) sells the accused ScanSnap products was an attempt to
10 manipulate the venue statute so Data Scape could litigate its infringement allegations in the
11 Eastern District of Texas instead of the Northern District of California where venue is proper.
12 FCPA is incorporated in California and FCPA’s only regular and established place of business is
13 in this District. Therefore, this District is the only venue in which Data Scape could properly sue
14 FCPA for patent infringement under the Supreme Court’s decision in *TC Heartland LLC v. Kraft*
15 *Foods Grp. Brands LLC*, 137 S. Ct. 1514 (2017).

16 78. On information and belief, Data Scape knew PFU Limited manufactured the
17 ScanSnap scanners and developed the ScanSnap Organizer software when it filed suit in the
18 United States District Court for the Eastern District of Texas against defendants Fujitsu Limited,
19 PFU Europe, and FAI. Data Scape cites the following hyperlink eight times when it discusses
20 infringement allegations apparently directed at ScanSnap Organizer in the E.D. Texas Complaint:
21 <http://scansnap.fujitsu.com/download/organizer/P2WW-1850-01ENZ0.pdf>, which provides a link
22 to a PDF copy of a ScanSnap Organizer User’s Guide. (Ex. B, ¶¶ 15, 18, 35, 49, 51, 53, 65, 84.)
23 Data Scape cites the following hyperlink three times when it discusses infringement allegations
24 apparently directed at ScanSnap Organizer in the E.D. Texas Complaint:
25 <http://scansnap.fujitsu.com/download/organizer/P2WW-1850-01ENZ0.pdf>, which provides a link
26 to a PDF copy of a ScanSnap Organizer User’s Guide. (Ex. B, ¶¶ 18, 35, 37.) The ScanSnap
27 Organizer User’s Guides cited by Data Scape in the E.D. Texas Complaint identify “ScanSnap”
28

1 as a trademark of “PFU Limited” on page 1 of the User Guide and the “Manufacturer” as “PFU
2 Limited” on page 2 of the User’s Guide, and also state “Issuance Responsibility: PFU Limited.”

3 79. Plaintiff PFU Limited and its downstream customers have not directly or indirectly
4 infringed and do not directly or indirectly infringe any claim of the Patents-in-Suit, literally or
5 under the doctrine of equivalents, as set forth in Counts I–VI below.

6 80. An actual and justiciable controversy exists between Plaintiff PFU Limited and
7 Data Scope regarding whether Plaintiff and its downstream customers directly or indirectly
8 infringe any claim of the Patents-in-Suit, either literally or under the doctrine of equivalents. A
9 judicial declaration is necessary to determine the respective rights of the parties regarding the
10 Patents-in-Suit. Plaintiff PFU Limited, therefore, seeks a judicial declaration that Plaintiff and its
11 downstream customers do not directly or indirectly infringe any claim of the Patents-in-Suit,
12 literally or under the doctrine of equivalents.

13 **COUNT I**
14 **(Declaratory Judgment of Noninfringement of the ’929 Patent)**

15 81. Plaintiff PFU Limited incorporates by reference each allegation set forth in
16 paragraphs 1 through 80 above as if fully set forth herein.

17 82. Data Scope has asserted that Data Scope is the owner by assignment of the
18 ’929 patent. Data Scope alleges in the E.D. Texas Case that the accused ScanSnap Products
19 infringe one or more claims of the ’929 patent, including Claim 1.

20 83. Claim 1 of the ’929 patent recites:

21 A communication system including a first apparatus having a first storage medium, and a
22 second apparatus, said second apparatus comprising:

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

25 a communicator configured to communicate data with said first apparatus;

26 a detector configured to detect whether said first apparatus and said second apparatus are
27 connected;

1 an editor configured to select certain data to be transferred and to edit said management
2 information based on said selection without regard to the connection of said first apparatus
3 and said second apparatus; and

4 a controller configured to control transfer of the selected data stored in said second
5 apparatus to said first apparatus via said communicator based on said management
6 information edited by said editor when said detector detects that said first apparatus and
7 said second apparatus are connected,

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

11 84. The accused ScanSnap products do not satisfy each limitation of claim 1 of the
12 '929 patent at least for the reason that the accused ScanSnap products do not employ an "editor
13 configured to select certain data to be transferred and to edit said management information" or an
14 equivalent thereto.

15 85. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
16 and do not indirectly infringe any claim of the '929 patent at least because Plaintiff and its
17 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
18 the '929 patent.

19 86. Plaintiff PFU Limited and its downstream customers of the accused ScanSnap
20 products have not infringed and do not infringe any claim of the '929 patent, whether directly or
21 indirectly, literally or under the doctrine of equivalents.

22 87. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
23 Limited and Data Scape. A judicial determination and declaration that Plaintiff and its
24 downstream customers of the accused ScanSnap products have not infringed and do not infringe
25 any claim of the '929 patent is necessary and appropriate at this time in order for the parties to
26 ascertain their respective rights and duties regarding the '929 patent.

COUNT II
(Declaratory Judgment of Noninfringement of the '537 Patent)

1
2
3 88. Plaintiff PFU Limited incorporates by reference each allegation set forth in
4 paragraphs 1 through 87 above as if fully set forth herein.

5 89. Data Scape has asserted that Data Scape is the owner by assignment of the
6 '537 patent. Data Scape alleges in the E.D. Texas Case that the accused ScanSnap Products
7 infringe one or more claims of the '537 patent, including Claim 1.

8 90. Claim 1 of the '537 patent recites:

9 A communication method to transfer content data to a first apparatus from a second
10 apparatus, comprising:

11 judging whether said first apparatus and said second apparatus are connected;

12 comparing, upon judging that said first apparatus and said second apparatus are
13 connected, an identifier of said first apparatus with an identifier stored in said second
14 apparatus;

15 comparing, when said identifier of said first apparatus corresponds to said identifier stored
16 in said second apparatus, a first list of content data of said first apparatus and a second list
17 of content data of said second apparatus;

18 transferring, from the second apparatus to the first apparatus, first content data, which is
19 registered in said second list and is not registered in said first list; and

20 deleting, from the first apparatus, second content data, which is registered in said first list
21 and is not registered in said second list.

22 91. The accused ScanSnap products do not satisfy each limitation of claim 1 of the
23 '537 patent at least for the reason that the accused ScanSnap products do not perform the step
24 “comparing, when said identifier of said first apparatus corresponds to said identifier stored in
25 said second apparatus, a first list of content data of said first apparatus and a second list of content
26 data of said second apparatus” or an equivalent thereto.

27 92. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
28 and do not indirectly infringe any claim of the '537 patent at least because Plaintiff and its

1 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
2 the '537 patent.

3 93. Plaintiff PFU Limited and its downstream customers of the accused ScanSnap
4 products have not infringed and do not infringe any claim of the '537 patent, whether directly or
5 indirectly, literally or under the doctrine of equivalents.

6 94. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
7 Limited and Data Scope. A judicial determination and declaration that Plaintiff and its
8 downstream customers of the accused ScanSnap products have not infringed and do not infringe
9 any claim of the '537 patent is necessary and appropriate at this time in order for the parties to
10 ascertain their respective rights and duties regarding the '537 patent.

11 **COUNT III**
12 **(Declaratory Judgment of Noninfringement of the '581 Patent)**

13 95. Plaintiff PFU Limited incorporates by reference each allegation set forth in
14 paragraphs 1 through 94 above as if fully set forth herein.

15 96. Data Scope has asserted that Data Scope is the owner by assignment of the
16 '581 patent. Data Scope alleges in the E.D. Texas Case that the accused ScanSnap Products
17 infringe one or more claims of the '581 patent, including Claim 1.

18 97. Claim 1 of the '581 patent recites:

19 A communication apparatus comprising:

20 a storage unit configured to store content data to a storage medium;

21 a communication unit configured to communicate with an external apparatus;

22 a controller configured

23 to edit a list so that content data is registered in the list,

24 to uniquely associate the list with the external apparatus using a unique identification of
25 the external apparatus,

26 to extract the list associated with the external apparatus from a plurality of lists in the
27 communication apparatus when the external apparatus is connected to the communication
28 apparatus, and

1 to control transferring of content data registered in the extracted list to the external
2 apparatus.

3 98. The accused ScanSnap products do not satisfy each limitation of claim 1 of the
4 '581 patent at least for the reason that the accused ScanSnap products do not employ "a controller
5 configured ... to extract the list associated with the external apparatus from a plurality of lists in
6 the communication apparatus when the external apparatus is connected to the communication
7 apparatus" or an equivalent thereto.

8 99. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
9 and do not indirectly infringe any claim of the '581 patent at least because Plaintiff and its
10 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
11 the '581 patent.

12 100. Plaintiff PFU Limited and its downstream customers of the accused ScanSnap
13 products have not infringed and do not infringe any claim of the '581 patent, whether directly or
14 indirectly, literally or under the doctrine of equivalents.

15 101. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
16 Limited and Data Scope. A judicial determination and declaration that Plaintiff and its
17 downstream customers of the accused ScanSnap products have not infringed and do not infringe
18 any claim of the '581 patent is necessary and appropriate at this time in order for the parties to
19 ascertain their respective rights and duties regarding the '581 patent.

20 **COUNT IV**
21 **(Declaratory Judgment of Noninfringement of the '751 Patent)**

22 102. Plaintiff PFU Limited incorporates by reference each allegation set forth in
23 paragraphs 1 through 101 above as if fully set forth herein.

24 103. Data Scope has asserted that Data Scope is the owner by assignment of the
25 '751 patent. Data Scope alleges in the E.D. Texas Case that the accused ScanSnap Products
26 infringe one or more claims of the '751 patent, including Claim 1.

27 104. Claim 1 of the '751 patent recites:
28

1 A communication apparatus configured to transmit data to an apparatus, the
2 communication apparatus comprising:
3 a hardware storage medium configured to store management information of data to be
4 transferred to the apparatus;
5 a communicator configured to communicate data with the apparatus;
6 a detector configured to detect whether the communication apparatus and the apparatus
7 are connected;
8 an editor configured to select certain data to be transferred and to edit the management
9 information based on the selection without regard to the connection of the communication
10 apparatus and the apparatus; and
11 a controller configured to control transfer of the selected data stored in the communication
12 apparatus to the apparatus via the communicator based on the management information
13 edited by the editor when the detector detects that the communication apparatus and the
14 apparatus are connected,
15 wherein the controller is configured to
16 compare the management information edited by the editor with management information
17 of data stored in the apparatus,
18 determine a size of the selected data in the communication apparatus, and
19 transmit data in the communication apparatus based on result of the comparison and the
20 determination.

21 105. The accused ScanSnap products do not satisfy each limitation of claim 1 of the
22 '751 patent at least for the reason that the accused ScanSnap products do not employ "an editor
23 configured to select certain data to be transferred and to edit the management information based
24 on the selection without regard to the connection of the communication apparatus and the
25 apparatus" or an equivalent thereto.

26 106. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
27 and do not indirectly infringe any claim of the '751 patent at least because Plaintiff and its
28

1 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
2 the '751 patent.

3 107. Plaintiff PFU Limited and its downstream customers of the accused ScanSnap
4 products have not infringed and do not infringe any claim of the '751 patent, whether directly or
5 indirectly, literally or under the doctrine of equivalents.

6 108. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
7 Limited and Data Scope. A judicial determination and declaration that Plaintiff and its
8 downstream customers of the accused ScanSnap products have not infringed and do not infringe
9 any claim of the '751 patent is necessary and appropriate at this time in order for the parties to
10 ascertain their respective rights and duties regarding the '751 patent.

11 **COUNT V**
12 **(Declaratory Judgment of Noninfringement of the '893 Patent)**

13 109. Plaintiff PFU Limited incorporates by reference each allegation set forth in
14 paragraphs 1 through 108 above as if fully set forth herein.

15 110. Data Scope has asserted that Data Scope is the owner by assignment of the
16 '893 patent. Data Scope alleges in the E.D. Texas Case that the accused ScanSnap Products
17 infringe one or more claims of the '893 patent, including Claim 32.

18 111. Claim 32 of the '893 patent recites:

19 An information processing apparatus, comprising:

20 circuitry configured to

21 automatically read first management data from a first storage medium, the first
22 management data identifying files of source data recorded on the first storage medium,

23 automatically identifying one of the files of source data based on the first management
24 data and second management data, the second management data identifying files of
25 transferred data stored on a second storage medium, the one of the files of source data
26 being absent from the second storage medium,

1 automatically transfer the one of the files of source data to the second storage medium, the
2 one of the files of the source data being transferred becoming one of the files of
3 transferred data, and

4 automatically output transferring status of the one of the files of source data by a symbolic
5 figure.

6 112. The accused ScanSnap products do not satisfy each limitation of claim 32 of the
7 '893 patent at least for the reason that the accused ScanSnap products do not have circuitry
8 configured to “automatically identifying one of the files of source data based on the first
9 management data and second management data, the second management data identifying files of
10 transferred data stored on a second storage medium, the one of the files of source data being
11 absent from the second storage medium” or an equivalent thereto.

12 113. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
13 and do not indirectly infringe any claim of the '893 patent at least because Plaintiff and its
14 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
15 the '893 patent.

16 114. Plaintiff PFU Limited and its downstream customers of the accused ScanSnap
17 products have not infringed and do not infringe any claim of the '893 patent, whether directly or
18 indirectly, literally or under the doctrine of equivalents.

19 115. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
20 Limited and Data Scape. A judicial determination and declaration that Plaintiff and its
21 downstream customers of the accused ScanSnap products have not infringed and do not infringe
22 any claim of the '893 patent is necessary and appropriate at this time in order for the parties to
23 ascertain their respective rights and duties regarding the '893 patent.

24 **COUNT VI**
25 **(Declaratory Judgment of Noninfringement of the '675 Patent)**

26 116. Plaintiff PFU Limited incorporates by reference each allegation set forth in
27 paragraphs 1 through 115 above as if fully set forth herein.
28

1 117. The '675 patent is related to the '751 patent. The '675 patent issued from a
2 continuation of the patent application that led to the '751 patent.

3 118. Data Scape has asserted that Data Scape is the owner by assignment of the
4 '675 patent in litigation that Data Scape has filed against numerous third parties, including
5 Amazon.com, Inc., Apple, Box, Citrix, Dell Technologies, Inc., Dropbox, Pandora, Spotify USA
6 Inc., Teradata, and Verizon Communications Inc. Each of these third parties are currently
7 accused or have been accused of infringing one or more of the '929, '537, '581, '751, and
8 '893 patents.

9 119. Claim 1 of the '675 patent recites:

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

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

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

15 a processor configured to:

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

17 select certain data to be transferred;

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

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

22 transmit the selected data stored in said second apparatus to said first apparatus via said
23 hardware interface based on said management information edited by said processor when
24 said processor detects that said first apparatus and said second apparatus are connected
25 based upon a result of the comparison.

26 120. The accused ScanSnap products do not satisfy each limitation of claim 1 of the
27 '675 patent at least for the reason that the accused ScanSnap products do not have a processor
28 configured to "transmit the selected data stored in said second apparatus to said first apparatus via

1 said hardware interface based on said management information edited by said processor when
2 said processor detects that said first apparatus and said second apparatus are connected based
3 upon a result of the comparison” or an equivalent thereto.

4 121. Plaintiff PFU Limited and its downstream customers have not indirectly infringed
5 and do not indirectly infringe any claim of the '675 patent at least because Plaintiff and its
6 downstream customers do not have knowledge of infringement of, or a specific intent to infringe,
7 the '675 patent.

8 122. PFU Limited and its downstream customers for the accused ScanSnap products
9 have not infringed and do not infringe any claim of the '675 patent, whether directly or indirectly,
10 literally or under the doctrine of equivalents.

11 123. An actual and justiciable controversy has arisen and exists between Plaintiff PFU
12 Limited and Data Scape. A judicial determination and declaration that Plaintiff and its
13 downstream customers of the accused ScanSnap products have not infringed and do not infringe
14 any claim of the '675 patent is necessary and appropriate at this time in order for the parties to
15 ascertain their respective rights and duties regarding the '675 patent.

16
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff PFU Limited requests that the Court enter judgment in Plaintiff's
19 favor and against Data Scape as follows:

- 20 (a) Declaring that Plaintiff PFU Limited and its downstream customers have not
21 infringed, directly or indirectly, literally or by equivalents, any claim of the
22 Patents-in-Suit;
- 23 (b) Declaring that judgment be entered in favor of Plaintiff and against Data Scape;
- 24 (c) Enjoining Data Scape, its agents, and all persons acting in concert or participation
25 with Data Scape, from claiming that Plaintiff PFU Limited and its downstream
26 customers infringe the Patents-in-Suit;
- 27 (d) Denying any request by Data Scape for injunctive relief;
- 28

