

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

QUICKVAULT, INC.,

Plaintiff,

v.

FORCEPOINT LLC

Defendant.

Case No.: 1:23-cv-01016

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. QuickVault, Inc. (“QuickVault”) hereby brings this action alleging that Defendant Forcepoint LLC (“Forcepoint”) infringes United States Patent Nos. 9,565,200 (the “200 Patent”), 9,961,092 (the “092 Patent”), 10,999,300 (the “300 Patent”), and 11,637,840 (the “840 Patent”) (collectively, the “Asserted Patents”) in violation of the patent laws of the United States of America, 35 U.S.C. § 1 et seq..

INTRODUCTION

2. Due to the ease of insurance and prescription drug fraud, patient health information is a valuable target for cyber criminals. Healthcare providers that lose control of patient data violate HIPAA-OCR requirements and are subject to fines. QuickVault created its CloudVault® Health business unit in 2015 to

address this serious issue, deploying patented technology to mitigate risks to healthcare providers when sharing patient records.

3. Before CloudVault Health, healthcare providers addressed data security concerns by piecing together HIPAA secure vaults, encryption software installed on individual endpoint computers, and expensive perimeter security that collectively limited access to sensitive data. These solutions did not focus on automatically discovering and protecting the data itself or tracking and predicting the behavior of individuals with access to that data.

4. QuickVault's patented technology improves security by scanning endpoints within a network that, in coordination with a cloud-based server, automatically discover, classify, and track sensitive information as well as permit remote remediation of policy violations by, e.g., deleting or encrypting unauthorized documents on endpoints. QuickVault's patented technology also enables healthcare providers to predict policy violations before they occur by tracking and analyzing user activity, allowing healthcare providers to optimize security by placing restrictions on high-risk individuals.

5. Defendant Forcepoint provides data security, web security, email security, mobile security, data loss prevention software, insider threat protection, cloud security, network security, and cross domain solutions.

6. Forcepoint provides data loss prevention (“DLP”) security software that, without authorization, implements Quickvault’s patented technologies. Forcepoint refers to these interoperating security products and services collectively as “Forcepoint DLP,” which includes, *inter alia*, Forcepoint DLP – Endpoint, Forcepoint DLP – Cloud Applications, Forcepoint DLP – Discover, Forcepoint DLP – Network, Risk Adaptive DLP, Forcepoint Insider Threat, and Forcepoint Data Visibility (collectively, the “Accused Products”).

7. A central aspect of the Accused Products is the deployment of its software to detect, classify, and track data as well as to enable remote administrators to monitor and remediate policy violations as they occur. Remote administrators are alerted to policy violations and granted multiple remediation options. Forcepoint’s Insider Threat product also tracks and analyzes user activity to assess risks associated with individual users, allowing administrators to, e.g., place access or sharing restrictions on individuals who have engaged in suspicious activity on a network. At least these functions of the Accused Products practice one or more claims of each of the Asserted Patents.

8. Forcepoint has made each of the Accused Products available to businesses and individuals throughout the United States, including in this District.

THE PARTIES

9. QuickVault is a corporation formed under the laws of Georgia with its principal office located at 1400 Marketplace Blvd. Ste 226, Cumming, GA, 30041.

10. Forcepoint is a Delaware limited liability company with a principal place of business at 10900-A Stonelake Blvd., Quarry Oaks 1, Suite 350, Austin, Texas 78759.

JURISDICTION AND VENUE

11. This is a civil action for patent infringement arising under the patent laws of the United States as set forth in 35 U.S.C. §§ 271, *et seq.*

12. This Court has federal subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over Forcepoint because Forcepoint is a resident of Texas. On information and belief, Forcepoint has hundreds of employees in its Austin, Texas headquarters, with a wide range of jobs including corporate administration, sales and marketing, engineering, research and development, and customer support.

14. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b) because Forcepoint resides in this District, has a regular and established place of business in this District, and has committed acts of infringement within this District.

15. On information and belief, Forcepoint also has employees in this District that have relevant knowledge regarding the Accused Products, including for example how they are marketed and sold to customers, what additional services are provided to customers based on the Accused Products, and how the Accused Products operate.

16. Forcepoint has purposely and voluntarily placed its infringing products and/or provided services into the stream of commerce with the intention and expectation that they will be purchased and used by customers in this District.

17. Forcepoint's operations in this District include client outreach and sales for each of the Accused Products. Forcepoint also provides technical support to partners and customers located in this District, including from its headquarters in this District.

18. On information and belief, Forcepoint uses and/or tests the Accused Products in this District, including at its headquarters in this District.

19. As further detailed below, Forcepoint engages in activities within this judicial district that infringe (directly and indirectly) the Asserted Patents, either literally or under the doctrine equivalents, including the provision of, use, operation, sales, offering for sale, installation, maintenance, and advertising of the Accused Products.

THE ASSERTED PATENTS

20. The '200 Patent, which is entitled "Method and System for Forensic Data Tracking," was duly and legally issued to inventors Steven V. Bacastow and Michael Royd Heuss and assignee QuickVault on February 7, 2017. A true copy of the '200 Patent is attached hereto as **Exhibit A**.

21. QuickVault is the owner of the entire right, title, and interest in and to the '200 Patent, which is presumed valid under 35 U.S.C. § 282.

22. The '092 Patent, which is entitled "Method and System for Forensic Data Tracking," was duly and legally issued to inventors Steven V. Bacastow and Michael Royd Heuss and assignee QuickVault on May 1, 2018. A true copy of the '092 Patent is attached hereto as **Exhibit B**.

23. QuickVault is the owner of the entire right, title, and interest in and to the '092 Patent, which is presumed valid under 35 U.S.C. § 282.

24. The '300 Patent, which is entitled "Method and System for Forensic Data Tracking," was duly and legally issued to inventors Steven V. Bacastow and Michael Royd Heuss and assignee QuickVault on May 4, 2021. A true copy of the '300 Patent is attached hereto as **Exhibit C**.

25. QuickVault is the owner of the entire right, title, and interest in and to the '300 Patent, which is presumed valid under 35 U.S.C. § 282.

26. The '840 Patent, which is entitled "Method and System for Forensic Data Tracking," was duly and legally issued to inventors Steven V. Bacastow and Michael Royd Heuss and assignee QuickVault on April 25, 2023. A true copy of the '840 Patent is attached hereto as **Exhibit M**.

27. QuickVault is the owner of the entire right, title, and interest in and to the '840 Patent, which is presumed valid under 35 U.S.C. § 282.

COUNT I: PATENT INFRINGEMENT OF THE '200 PATENT

28. QuickVault incorporates by reference each of the above paragraphs as if fully restated herein.

29. Forcepoint has directly infringed and continues to directly infringe under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, one or more claims of the '200 Patent by making, using, selling, offering to sell, and/or importing the Accused Products within the United States.

30. A detailed infringement analysis demonstrating how the Accused Products practice each and every limitation of claim 1 of the '200 Patent, either literally or under the doctrine of equivalents, is provided in **Exhibit D**.

31. Forcepoint also actively induces infringement of the '200 Patent by its customers to whom it provides the Accused Products under 35 U.S.C. § 271(b).

See Exhibit D.

32. Forcepoint has knowledge of the '200 Patent, of its infringement of the '200 Patent, and of its customers' infringement of the '200 Patent at least as of the service and filing of this Complaint. **Exhibit D**, attached hereto, provides actual notice to Forcepoint that its making, use, sale, offer for sale, and/or importation of the Accused Products, as well as its customers' use of the Accused Products, infringe the '200 Patent.

33. Forcepoint's continued sale and promotion of its Accused Products to customers and prospective customers constitutes active encouragement and instruction to infringe the '200 Patent. For example, Forcepoint's publication of its DLP product website (<https://www.forcepoint.com/product/dlp-data-loss-prevention>), **Exhibits G-L**, YouTube tutorials relating to the Accused Products (exemplary videos cited in **Exhibit D**), and library of other DLP product documentation on the Forcepoint Customer Hub (<https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-Documentation>) intentionally instructs and encourages customers to use the Accused Products in infringing manners. *See* **Exhibit D**.

34. As a result of Forcepoint's infringement and its customers' infringement of the '200 Patent, QuickVault has suffered monetary damages and seeks recovery in an amount adequate to compensate it for Forcepoint's infringement.

COUNT II: PATENT INFRINGEMENT OF THE '092 PATENT

35. QuickVault incorporates by reference each of the above paragraphs as if fully restated herein.

36. Forcepoint has directly infringed and continues to directly infringe under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, one or more claims of the '092 Patent by making, using, selling, offering to sell, and/or importing the Accused Products within the United States.

37. A detailed infringement analysis demonstrating how the Accused Products practice each and every limitation of claim 1 of the '092 Patent, either literally or under the doctrine of equivalents, is provided in **Exhibit E**.

38. Forcepoint also actively induces infringement of the '092 Patent by its customers to whom it provides the Accused Products under 35 U.S.C. § 271(b). *See Exhibit E.*

39. Forcepoint has knowledge of the '092 Patent, of its infringement of the '092 Patent, and of its customers' infringement of the '092 Patent at least as of the service and filing of this Complaint. **Exhibit E**, attached hereto, provides actual notice to Forcepoint that its making, use, sale, offer for sale, and/or importation of the Accused Products, as well as its customers' use of the Accused Products, infringe the '092 Patent.

40. Forcepoint's continued sale and promotion of its Accused Products to customers and prospective customers constitutes active encouragement and instruction to infringe the '092 Patent. For example, Forcepoint's publication of its DLP product website (<https://www.forcepoint.com/product/dlp-data-loss-prevention>), **Exhibits G-L**, YouTube tutorials relating to the Accused Products (exemplary videos cited in **Exhibit E**), and library of other DLP product documentation on the Forcepoint Customer Hub (<https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-Documentation>) intentionally instructs and encourages customers to use the Accused Products in infringing manners. *See* **Exhibit E**.

41. As a result of Forcepoint's infringement and its customers' infringement of the '092 Patent, QuickVault has suffered monetary damages and seeks recovery in an amount adequate to compensate it for Forcepoint's infringement.

COUNT III: PATENT INFRINGEMENT OF THE '300 PATENT

42. QuickVault incorporates by reference each of the above paragraphs as if fully restated herein.

43. Forcepoint has directly infringed and continues to directly infringe under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, one

or more claims of the '300 Patent by making, using, selling, offering to sell, and/or importing the Accused Products within the United States.

44. A detailed infringement analysis demonstrating how the Accused Products practice each and every limitation of claim 1 of the '300 Patent, either literally or under the doctrine of equivalents, is provided in **Exhibit F**.

45. Forcepoint also actively induces infringement of the '300 Patent by its customers to whom it provides the Accused Products under 35 U.S.C. § 271(b). *See Exhibit F*.

46. Forcepoint has knowledge of the '300 Patent, of its infringement of the '300 Patent, and of its customers' infringement of the '300 Patent at least as of the service and filing of this Complaint. **Exhibit F**, attached hereto, provides actual notice to Forcepoint that its making, use, sale, offer for sale, and/or importation of the Accused Products, as well as its customers' use of the Accused Products, infringe the '300 Patent.

47. Forcepoint's continued sale and promotion of its Accused Products to customers and prospective customers constitutes active encouragement and instruction to infringe the '300 Patent. For example, Forcepoint's publication of its DLP product website (<https://www.forcepoint.com/product/dlp-data-loss-prevention>), **Exhibits G-L**, YouTube tutorials relating to the Accused Products (exemplary videos cited in **Exhibit F**), and library of other DLP product

documentation on the Forcepoint Customer Hub

([https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-](https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-Documentation)

[Documentation](https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-Documentation)) intentionally instructs and encourages customers to use the

Accused Products in infringing manners. *See Exhibit F.*

48. As a result of Forcepoint's infringement and its customers' infringement of the '300 Patent, QuickVault has suffered monetary damages and seeks recovery in an amount adequate to compensate it for Forcepoint's infringement.

COUNT IV: PATENT INFRINGEMENT OF THE '840 PATENT

49. QuickVault incorporates by reference each of the above paragraphs as if fully restated herein.

50. Forcepoint has directly infringed and continues to directly infringe under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, one or more claims of the '300 Patent by making, using, selling, offering to sell, and/or importing the Accused Products within the United States.

51. A detailed infringement analysis demonstrating how the Accused Products practice each and every limitation of claim 1 of the '840 Patent, either literally or under the doctrine of equivalents, is provided in **Exhibit N.**

52. Forcepoint also actively induces infringement of the '840 Patent by its customers to whom it provides the Accused Products under 35 U.S.C. § 271(b).

See **Exhibit N**.

53. Forcepoint has knowledge of the '840 Patent, of its infringement of the '840 Patent, and of its customers' infringement of the '840 Patent at least as of the service and filing of this Complaint. **Exhibit N**, attached hereto, provides actual notice to Forcepoint that its making, use, sale, offer for sale, and/or importation of the Accused Products, as well as its customers' use of the Accused Products, infringe the '840 Patent.

54. Forcepoint's continued sale and promotion of its Accused Products to customers and prospective customers constitutes active encouragement and instruction to infringe the '840 Patent. For example, Forcepoint's publication of its DLP product website (<https://www.forcepoint.com/product/dlp-data-loss-prevention>), **Exhibits G-L**, YouTube tutorials relating to the Accused Products (exemplary videos cited in **Exhibit N**), and library of other DLP product documentation on the Forcepoint Customer Hub (<https://support.forcepoint.com/s/article/Data-Loss-Prevention-DLP-Documentation>) intentionally instructs and encourages customers to use the Accused Products in infringing manners. *See* **Exhibit N**.

55. As a result of Forcepoint's infringement and its customers' infringement of the '840 Patent, QuickVault has suffered monetary damages and seeks recovery in an amount adequate to compensate it for Forcepoint's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff QuickVault respectfully requests the following relief:

- A. A judgment in favor of QuickVault that Forcepoint has infringed, either literally and/or under the doctrine of equivalents, the '200, '092, '300, and '840 Patents;
- B. An award of damages resulting from Forcepoint's acts of infringement in accordance with 35 U.S.C. § 284;
- C. That this Court order an accounting of damages incurred by QuickVault from six years prior to the date this lawsuit was filed through the entry of a final, non-appealable judgment;
- D. That this Court award pre- and post-judgment interest on such damages to QuickVault;
- E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to QuickVault reasonable attorneys' fees against Forcepoint.

F. Any and all other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

QuickVault respectfully requests a trial by jury on all issues triable thereby.

DATED this 28th day of August, 2023.

RESPECTFULLY SUBMITTED,

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