

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DATA CLOUD TECHNOLOGIES, LLC,

Plaintiff,

v.

WESTERN DIGITAL CORPORATION,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DataCloud Technologies, LLC (hereinafter, “Plaintiff” or “DataCloud”) files this Complaint for patent infringement against Defendant Western Digital Corporation (hereinafter, “Western Digital” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Patents-in-Suit”) issued by the United States Patent and Trademark Office (“USPTO”):

	U.S. Patent No.	Title
1.	6,651,063	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6651063 https://patents.google.com/patent/US6651063B1/en?q=6%2c651%2c063
2.	7,209,959	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7209959 https://patents.google.com/patent/US7209959B1/en?q=7%2c209%2c959
3.	7,398,298	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7398298 https://patents.google.com/patent/US7398298B2/en?q=7398298
4.	8,156,499	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8156499 https://patents.google.com/patent/US8156499B2/en?q=8%2c156%2c499
5.	8,615,555	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8615555 https://patents.google.com/patent/US8615555B2/en?q=8%2c615%2c555

2. Plaintiff seeks monetary damages.

PARTIES

3. DataCloud is a limited liability company organized and existing under the laws of the State of Georgia and maintains its principal place of business at 44 Milton Avenue, Suite 254, Alpharetta, Georgia, 30009 (Fulton County).

4. Based upon public information, Western Digital is a corporation organized under the

laws of the State of Delaware.

5. Based upon public information, Western Digital has its principal place of business at 5601 Great Oaks Parkway, San Jose, California, 95119.

6. Based upon public information, Western Digital may be served through its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware, 19808.

JURISDICTION AND VENUE

7. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

8. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

9. Western Digital is subject to this Court's specific and general personal jurisdiction under due process because of its substantial business in this Judicial District, in the State of Delaware, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

10. Specifically, Western Digital intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District, in the State of Delaware, and in the United States, directly, through intermediaries, by contributing to and through the inducement of third parties, and offers and sends its products and services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

11. More specifically, Western Digital directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and services in the United States, the State of Delaware, and in this District.

12. On information and belief, Western Digital has significant ties to, and presence in, the State of Delaware and this District, making venue in this Judicial District both proper and convenient for this action.

13. Therefore, venue is proper in this District pursuant to 28 U.S.C. §1400(b).

THE ACCUSED PRODUCTS

14. Based upon public information, Defendant owns, operates, advertises, and/or controls the website www.westerndigital.com through which it advertises, sells, offers to sell, provides and/or educates customers about its products.¹

15. Defendant offers at least the following products (hereinafter, the “Accused Products”) that infringe one or more claims of the Patents-in-Suit:

- My Cloud Home app;
- Western Digital website infrastructure supporting multiple domains; and
- WD My Cloud™.

16. By letter dated March 8, 2023, Defendant was informed of DataCloud’s patent portfolio, including the Patents-in-Suit.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,651,063

17. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

18. U.S. Patent No. 6,651,063 (the “’063 patent”) was issued on November 18, 2003

¹ See <https://www.westerndigital.com> and <https://www.westerndigital.com/products/product-portfolio> (last visited January 30, 2024).

after full and fair examination by the USPTO of Application No. 09/493,911 which was filed on January 28, 2000. The '063 patent is entitled "Data Organization And Management System And Method." *See* '063 patent at p. 1. A Certificate of Correction was issued on February 3, 2004. *See* '063 patent at p. 20.

19. The claims of the '063 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by providing an organization scheme to streamline the process for storage and retrieval of information through a combination of automatic categorization and user influence.

20. The written description of the '063 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

21. DataCloud owns all substantial rights, interest, and title in and to the '063 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

22. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '063 patent.

23. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '063 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the My

Cloud Home app.²

24. Upon information and belief, the My Cloud Home app meets each and every step of at least Claim 4 of the '063 Patent, either literally or equivalently.

25. Based upon public information, Defendant's provision of the My Cloud Home app has infringed one or more claims of the '063 Patent, including Claim 4 because it provides to one or more users a method for storing and controlled access of data in a repository by storing information in an "information pack" (*e.g.*, uploading to servers/saving image files) to which is associated the address of one of a multiplicity of data repositories associated with at least one of the users, a category identifier (*e.g.*, "data" directory), and a provider identifier (Western Digital). The information pack is sent to and stored in the specified data repository and stored there in a custom location reserved for the specified category identifier that is specifically created for the information pack (*e.g.*, file folder in the My Cloud Home app is reserved for information), and a custom category identifier (*e.g.*, custom category identifier can be the digital signature for either of the My Cloud Home app) is assigned to the information pack. The custom category identifier is subsequently used to identify other information packs that should be stored in the same location based on matching category identifiers (*e.g.*, valid Android APK files contain a signature which allows to identify the author of the APK file, which allows verification that an updated version comes from the same author) by sending a custom category signal to a processing station uniquely associated with said user data repository.

26. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

27. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as

² See <https://play.google.com/store/apps/details?id=com.wdc.mycloud> (visited January 30, 2024).

a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,209,959

28. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

29. U.S. Patent No. 7,209,959 (the "'959 patent") was issued on April 24, 2007 after full and fair examination by the USPTO of Application No. 09/542,858 which was filed on April 4, 2000. *See* '959 patent at p. 1. The '959 patent is entitled "Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain Providing Anonymity To A Client Communicating On The Network."

30. The claims of the '959 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients for, among other reasons, security, traffic management, and routing purposes.

31. The written description of the '959 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

32. DataCloud owns all substantial rights, interest, and title in and to the '959 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

33. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '959 patent.

34. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '959 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its Western Digital website infrastructure supporting multiple domains (“WD website infrastructure”).³

35. Upon information and belief, WD website infrastructure meets each and every step of at least Claim 1 of the '959 Patent, either literally or equivalently.

36. Based upon public information, Defendant has infringed one or more claims of the '959 Patent, including Claim 1, because WD website infrastructure provides a method of, in response to a request (*e.g.*, “Client Hello”) by a client to initiate communication with a destination website (*e.g.*, westerndigital.com, www.westerndigital.com, jobs.westerndigital.com, blog.westerndigital.com, aem.westerndigital.com, documents.westerndigital.com, *etc.*), setting up a forwarding session (*e.g.*, from the internet to a WWW server) between the client (*e.g.*, internet device) and a destination server corresponding to the destination website (*e.g.*, WWW server), the forwarding session employing a forwarder disposed between (*e.g.*, a front-end server switch) the client and the destination server to forward packets sent from the client to the destination server and to forward packets sent from the destination server to the client (*e.g.*, bilateral communications); employing the forwarder (*e.g.*, front-end server switch), to transfer packets (*e.g.*, ethernet or others) between the client (*e.g.*, internet device) and the destination server (*e.g.*, WWW

³ See <https://www.westerndigital.com/> (visited January 30, 2024).

server) during the forwarding session, wherein the forwarding session is set up and implemented such that neither the client or the destination server is aware of the employment of the forwarder (e.g., the WWW server has a direct TCP connection between a local IP address and a client IP address, each being different; thus, neither the client or the destination server is aware of the employment of the forwarder); employing a controller configured to communicate (e.g., firewall) with the forwarder (e.g., front-end server switch) and a domain name server (e.g., a DNS), wherein the controller queries the domain name server to resolve the name of the destination website (e.g., www.westerndigital.com, jobs.westerndigital.com, blog.westerndigital.com, aem.westerndigital.com, documents.westerndigital.com, etc.) associated with the destination server (e.g., WWW server) and initiates communication (e.g., between the firewall and front-end server switch) with the forwarder in response to an answer from the domain name server to resolve the name of the destination website associated with the destination server; employing a deceiver (e.g., router) configured to communicate with the controller (e.g., firewall) and the client (e.g., internet device), wherein the deceiver receives the request by the client to initiate communication (e.g., from the internet to the router) with the destination website (e.g., www.westerndigital.com, jobs.westerndigital.com, blog.westerndigital.com, aem.westerndigital.com, documents.westerndigital.com, etc. on a WWW server) and initiates the controller to query the domain name server to resolve the name of the destination website associated with the destination server (e.g., the router both (i) receives the request and (ii) sends the data from the WWW server in a manner that makes the router appear to be the source of the data, when the source of the data is actually the WWW server); and in response to the controller (e.g., router) receiving the answer from the domain name server and initiating communication with the forwarder initiating the forwarding session.

37. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

38. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,398,298

39. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

40. U.S. Patent No. 7,398,298 (the "'298 patent") was issued on July 8, 2008 after full and fair examination by the USPTO of Application No. 11/690,803 which was filed on March 23, 2007. *See* '298 patent at p. 1. The '298 patent is entitled "Remote Access And Retrieval Of Electronic Files."

41. The claims of the '298 Patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

42. The written description of the '298 Patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

43. DataCloud owns all substantial rights, interest, and title in and to the '298 Patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and

to collect damages for all relevant times.

44. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '298 Patent.

45. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '298 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the admin/user roles and permissions and groups for its WD My Cloud™.⁴

46. Upon information and belief, WD My Cloud™ meets each and every step of at least Claim 13 of the '298 Patent, either literally or equivalently.

47. Based upon public information, Defendant's provision of WD My Cloud™ has infringed and one or more claims of the '298 Patent, including Claim 13, because the it provides a method for remotely controlling data directory structures (*e.g.*, webpages and functions accessible to discrete users) across at least one communications network (*e.g.*, Internet) that has a computer server (*e.g.*, WWW server), the computer server coupled to the communications network (*e.g.*, Internet); a remote data directory structure management computing application (*e.g.*, the WD My Cloud™ Dashboard) operating on the computer server (*e.g.*, WWW server) to process received requests for remote data directory management (*e.g.*, adding users, groups, *etc.*) of desired data residing in directory structures by participating users (*e.g.*, users that have been assigned access to shares, administrative rights, *etc.*); and a profile data store (*e.g.*, a secure SQL server/database) comprising information relating to the data and data directory structures (*e.g.*, information on

⁴ See pp. 29-36 at https://documents.westerndigital.com/content/dam/doc-library/en_us/assets/public/wd/product/nas/my_cloud/my_cloud_ex4100/user-manual-my-cloud-expert-series-ex4100.pdf (visited January 30, 2024).

permissions, shares, etc. available to users of a personal cloud) accessible to each of the participating users (*e.g.*, of a personal cloud) wherein the profile data store is queried for the data directory structures accessible to each of the participating users (*e.g.*, shares, permissions, definitions indicate directory structure available to user), wherein further a single directory structure (*e.g.*, abilities/permissions/activations for users must be selected in the user/account settings) from among a plurality of the data directory structures associated with the profile data store (*e.g.*, the available account access settings for users) is selected by each of the participating users for modification (the invited user can accept the invitation or access).

48. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

49. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 8,156,499

50. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

51. U.S. Patent No. 8,156,499 (the "'499 patent") was issued on April 10, 2012 after full and fair examination by the USPTO of Application No. 12/331,980 which was filed on December 10, 2008. *See* '499 patent at p.1. A Certificate of Correction was issued on September 25, 2012. *See id.* at pp. 18-19. The '499 patent is entitled "Methods, Systems And Articles Of Manufacture For Scheduling Execution Of Programs On Computers Having Different Operating Systems."

52. The claims of the '499 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include

inventive components that improve the retrieval and transmission of data from and/or to a remote server.

53. The written description of the '499 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

54. DataCloud owns all substantial rights, interest, and title in and to the '499 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

55. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '499 patent.

56. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '499 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises scheduling and executing remote backups using WD My Cloud™.⁵

57. Based upon public information, WD My Cloud™ for operating system and app updates has infringed one or more claims of the '499 Patent, including Claim 1, because it provides a method scheduling a first computer (*e.g.*, a device/computer) communicatively coupled with the scheduling computer (*e.g.*, WD My Cloud™ computer) to execute a first program (*e.g.*, remote

⁵ See pp. 50-51 at https://documents.westerndigital.com/content/dam/doc-library/en_us/assets/public/wd/product/nas/my_cloud/my_cloud_ex4100/user-manual-my-cloud-expert-series-ex4100.pdf (visited January 30, 2024).

backups) wherein the first computer has a first operating system (*e.g.*, on a first device computer); receiving at the scheduling computer a result from the first computer (*e.g.*, current version of the of stored files and whether they are backed up), wherein the result from the first computer is based at least in part upon the execution of the first program by the first computer (*e.g.*, whether to do a backup is based on the current version of the backup); and scheduling a second computer (*e.g.*, with files to potentially back up) communicatively coupled with the scheduling computer to execute a second program in response to a determination that the result from the first computer meets a criterion (*e.g.*, backed up files need to be updated/synchronized) wherein the second computer has a second operating system and the second operating system is different from the first operating system (*e.g.*, the operating system on the second server is different from the first).

58. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

59. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,615,555

60. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

61. U.S. Patent No. 8,615,555 (The "'555 patent") was issued on December 24, 2013 after full and fair examination by the USPTO of Application No. 12/169,074 which was filed on July 8, 2008. *See* '555 patent at p. 1. The '555 patent is entitled "Remote Access And Retrieval Of Electronic Files."

62. The claims of the '555 patent are not directed to an abstract idea and are not limited

to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

63. The written description of the '555 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

64. DataCloud owns all substantial rights, interest, and title in and to the '555 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

65. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '555 patent.

66. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '555 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises remote access for multiple users using WD My Cloud™.⁶

67. Upon information and belief, the WD My Cloud™ meets each and every step of at least Claim 1 of the '555 patent, either literally or equivalently.

68. Based upon public information, WD My Cloud™ has infringed one or more claims

⁶ See pp. 41-46 at https://documents.westerndigital.com/content/dam/doc-library/en_us/assets/public/wd/product/nas/my_cloud/my_cloud_ex4100/user-manual-my-cloud-expert-series-ex4100.pdf (visited January 30, 2024).

of the '555 patent, including Claim 1, because it provides a method for providing remote data directory structure management capabilities to a requestor (*e.g.*, user of the WD My Cloud™ dashboard) across a communications network (*e.g.*, the Internet) to receive a first request over a communications network for management of data directory structures recorded on a memory device (*e.g.*, a secure SQL server/database stored on the memory of a server), query a profile data store from which is selected one of several of data directory structures and providing and providing information about the selected data directory structure (*e.g.*, information on shares, *etc.* available to users or groups, for instance), receive a second request for a data file contained within the selected data directory structure and specifying an electronic address that is not associated with the requestor, sending the data file to the specified electronic address through a system that does not include the requestor, create and send a message that the data file has been sent that contains the electronic address and describes the system used, receiving a third request describing how to modify the data directory structure, and modify the data directory structure as requested.

69. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

70. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

71. Plaintiff demands a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

72. Plaintiff respectfully requests the following relief:

A. An adjudication that one or more claims of the Patents-in-Suit has been

infringed, either literally and/or under the doctrine of equivalents, by Defendant;

- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff Defendant's past infringement, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- C. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- D. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- E. Any further relief that this Court deems just and proper.

Dated: February 5, 2024

Respectfully submitted,

STAMOULIS & WEINBLATT LLC

/s/ Stamatios Stamoulis

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