

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DATA CLOUD TECHNOLOGIES,
LLC,

Plaintiff,

v.

SAMSARA INC.,

Defendant.

Civil Action No. 1:23-cv-05514-SCJ

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DataCloud Technologies, LLC (hereinafter, “Plaintiff” or “DataCloud”) files this First Amended Complaint for patent infringement against Defendant Samsara Inc. (hereinafter, “Defendant” or “Samsara”) 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.	7,139,780	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7139780 https://patents.google.com/patent/US7139780B2/en?q=https:%2f%2fimage-ppubs.uspto.gov%2fdirsearch-public%2fprint%2fdownloadPdf%2f7139780
3.	7,209,959	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7209959 https://patents.google.com/patent/US7209959B1/en?q=7%2c209%2c959
4.	7,398,298	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7398298 https://patents.google.com/patent/US7398298B2/en?q=7398298
5.	8,156,499	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8156499 https://patents.google.com/patent/US8156499B2/en?q=8%2c156%2c499
6.	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 and injunctive relief.

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, Samsara is a corporation organized under the laws of the State of Delaware.

5. Based upon public information, Samsara has its principal place of business at 350 Rhode Island Street, 4th Floor, South Building, San Francisco, California, 94103.

6. Based upon public information, Samsara has an office located at 1170 Peachtree Street, 9th Floor, Atlanta, Georgia, 30309

7. Based upon public information, Samsara may be served through its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

8. Based upon public information, Samsara may also be served through its California registered agent, C T Corporation System.

JURISDICTION AND VENUE

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

10. 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).

11. Samsara 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 Georgia, 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.

12. Specifically, Samsara 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 Georgia, 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.

13. More specifically, Samsara 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 Georgia, and in this District.

14. On information and belief, Samsara has significant ties to, and presence in, the State of Georgia and this District, making venue in this Judicial District both proper and convenient for this action.

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

THE ACCUSED PRODUCTS

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

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

- Samsara Driver app;
- Samsara Vehicle Gateway;
- Samsara website infrastructure;
- Samsara dashboard; and
- Samsara scheduling device for operating system and app updates using, for instance, Mobile Experience Management policies.

18. By letter dated November 19, 2021, Defendant was informed of

¹ See <https://www.samsara.com> and <https://www.samsara.com/products> (last visited November 28, 2023).

DataCloud's patent portfolio, including the Patents-in-Suit.

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

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

20. U.S. Patent No. 6,651,063 (the "'063 patent") was issued on November 18, 2003 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.

21. 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.

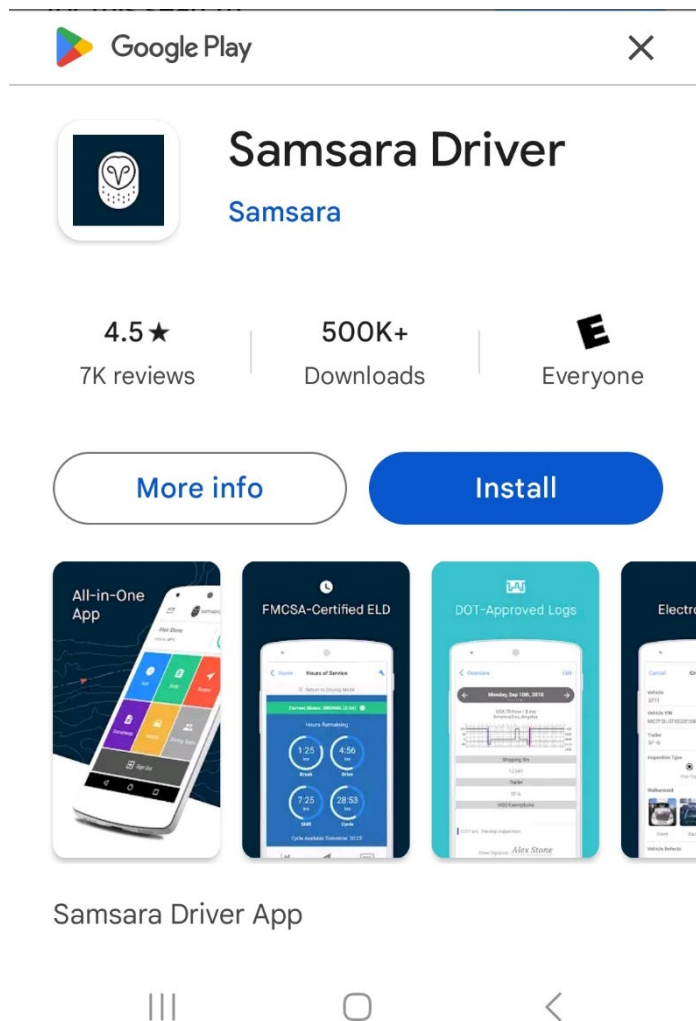
22. The written description of the '063 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may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

23. 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.

24. 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.

25. 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 Samsara Driver app.²

² See <https://play.google.com/store/apps/details?id=com.samsara.driver> (visited November 29, 2023).



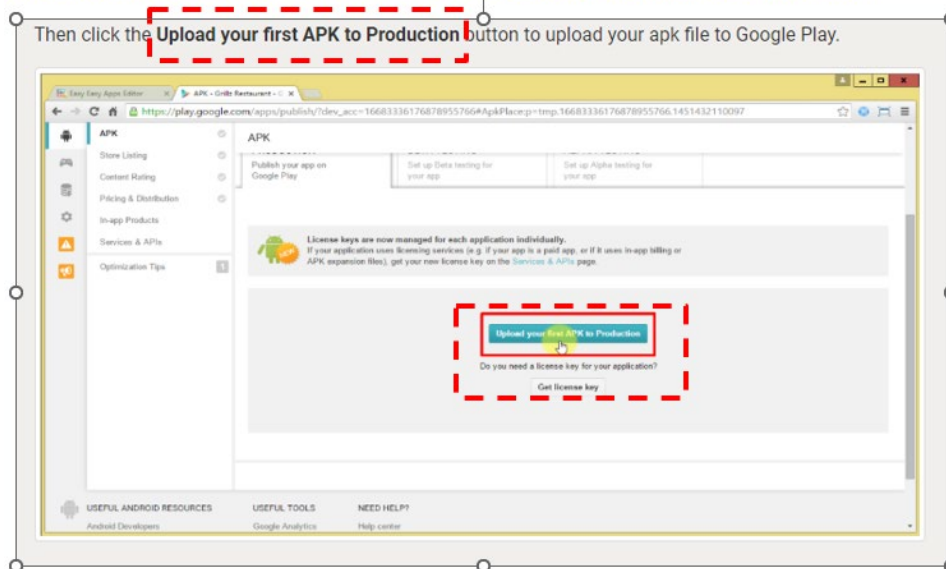
26. Upon information and belief, the Samsara Driver app meets each and every step of at least Claim 4 of the '063 Patent, either literally or equivalently. Samsara performs a method for providing information to one or more users of a system comprising the steps of: storing information to be provided in an information pack; associating with said information pack at least a user destination address associated with one of a multiplicity of user data repositories each of said user data repositories associated with at least one of said users and a category identifier; associating with said information pack a provider identifier; communicating said

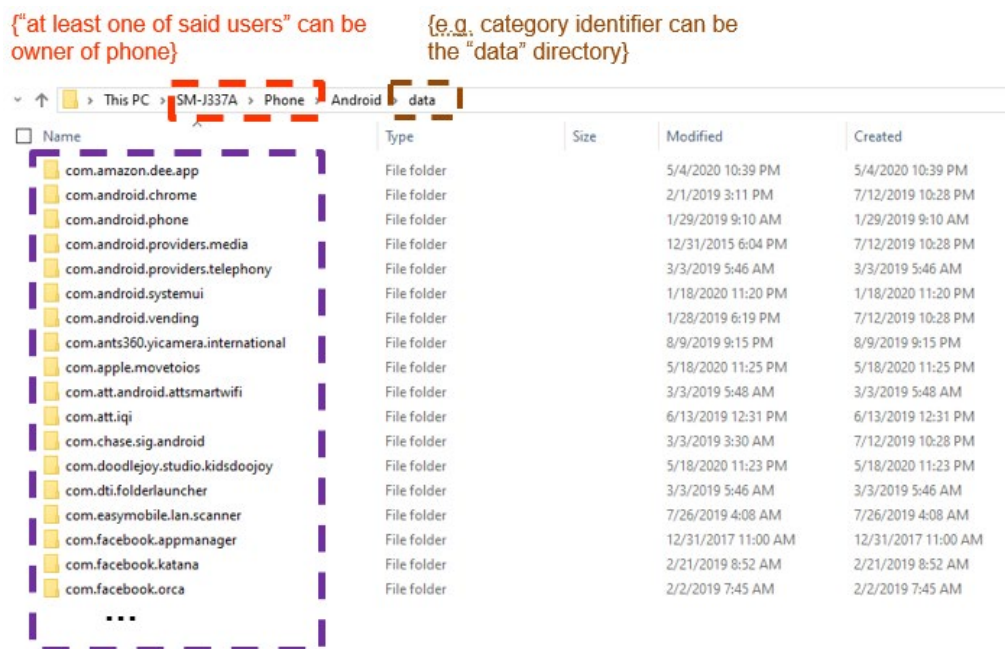
information pack by means of a network to said user data repository associated with the user destination address; locating said information pack in a location of said user data repository associated with the user destination address reserved for information corresponding to a category to which said category identifier corresponds; and further comprising, after said step of communicating the information pack to said user data repository associated with the user destination address, the steps of: creating a custom location in said user data repository; placing said information pack in said custom location; associating a custom category identifier with said information pack; sending a custom category signal to a processing station uniquely associated with said user data repository including a data storage means and a data processing means, said data storage means storing together said custom category identifier and said provider identifier, and said data processing means analyzing the provider identifier of subsequent of said information packs, comparing said provider identifier of said subsequent information packs with said provider identifier stored in said storage means and in the event of a match between the provider identifier of one of said subsequent information packs and the provider identifier stored in said storage means, placing said one of the subsequent information packs in said custom location.

27. More specifically, Defendant's provision of the Samsara Driver 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 (e.g., directory structure for installed apps on a mobile phone), a category identifier (e.g., “data” directory), and a provider identifier (Samsara).

<https://www.easyeasyapps.net/en/how-to-publish-app-tutorials/how-to-publish-app-on-google-play/#:~:text=Upload%20the%20App%27s%20APK%20File,Press%20the%20Upload%20APK%20button.>





28. 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 Samsara Driver app is reserved for information), and a custom category identifier (e.g., custom category identifier can be the digital signature for either of the Samsara Driver 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.

<https://www.sisik.eu/apk-tool>

APK Signature

Valid Android APK files contain a signature which allows to identify the author of the APK file. This is especially useful when installing updates to already installed apps because it allows you to verify that the updated version comes from the same author. You can find out who signed the APK and other signature/certificate information with my cert tool [sisik.eu/cert](https://www.sisik.eu/cert)

Certificate info

This free online tool shows x509 certificate information. You can use it to dump information about Android APK or bundle



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

30. 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 II: INFRINGEMENT OF U.S. PATENT NO. 7,139,780

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

32. U.S. Patent No. 7,139,780 (the "'780 patent") was issued on November 21, 2006 after full and fair examination by the USPTO of Application No. 10/335,516 which was filed on December 30, 2002. *See* '780 patent at p. 1. The

'780 patent is entitled "System And Method For Synchronizing Files In Multiple Nodes."

33. The claims of the '780 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 how computerized communications systems synchronize files across multiple nodes.

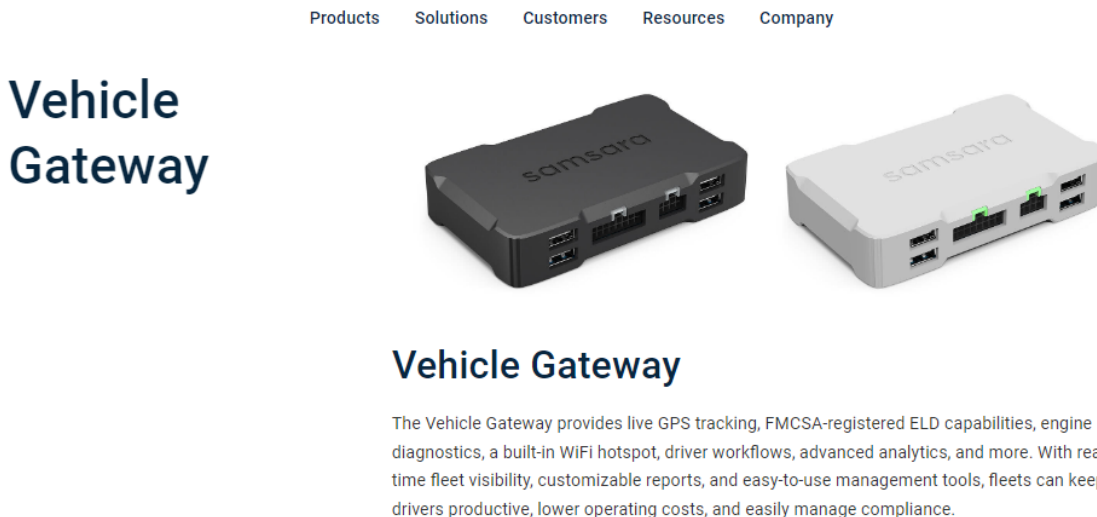
34. The written description of the '780 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

35. DataCloud owns all substantial rights, interest, and title in and to the '780 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

36. 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 '780 patent.

37. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '780 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports,

offers for sale, sells, and/or advertises Samsara Vehicle Gateways for remote fleet management.³



38. Upon information and belief, the Samsara Vehicle Gateways meet each and every step of at least Claim 1 of the '780 Patent, either literally or equivalently. More specifically, Samsara Vehicle Gateways have infringed and continue to infringe one or more claims of the '780 patent, including Claim 1, because they provide a method for synchronizing files between a central node and local nodes, each of which consists of a file server with a database and an application to allow for automatic updates using Samsara Vehicle Gateways, which method includes (a) storing one copy of each file (*e.g.*, any number of files, including HOS, driver workflow, route, and other fleet management related files and/or certificates) that is

³ See <https://www.samsara.com/products/models/vehicle-gateway> (visited November 29, 2023).

shared between the local nodes (*e.g.*, the systems comprising the devices/device network that are installed in the fleet); (b) creating a first table in each of the local databases to store information on copies of files in its respective local device (*e.g.*, the databases with the HOS, driver workflow, route, and other fleet management related files and/or certificates are stored on the fleet devices); (c) creating a second table in the central database to record all update information on copies of files in all the devices (update information and copies of HOS, driver workflow, route, and other fleet management related files and/or certificates are recorded in the central database); (d) updating a copy of a file in one of the devices (*e.g.*, using Samsara Vehicle Gateways); (e) adding a new item of update information on the file in the second table; (f) downloading the updated copy of the file from said one of the local file servers (*e.g.*, the HOS, driver workflow, route, and other fleet management related files and/or certificates are downloaded), and uploading the updated copy of the file to the central file server as the latest edition of the file (*e.g.*, latest version of the HOS, driver workflow, route, and other fleet management related files and/or certificates); (g) determining whether a required copy of the file in another of the local file servers needs to be updated; and (h) downloading the latest edition of the file from the central file server to update said another of the local file servers if the required copy of the file needs to be updated.

39. Based upon public information, Defendant's customers use its Samsara

Vehicle Gateways in such a way that infringes one or more claims of the '780 patent.

40. Based upon public information, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '780 patent in this District and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Defendant's customers to use Samsara Vehicle Gateways in an infringing manner.

41. To the extent that Defendant is not the only direct infringer of one or more claims of the '780 Patent, it instructs its customers on how to use Samsara Vehicle Gateways in ways that infringe one or more claims of the '780 patent through its support and sales activities.⁴

42. Despite knowledge of the '780 patent as early as November 19, 2021⁵ (or at the latest, upon service of the Complaint), Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '780 patent. Based upon public information, the provision of and sale of Samsara Vehicle Gateways is a source of revenue and a business focus for Defendant.

⁴ See <https://youtu.be/RUSXVHYx3GA> (visited November 29, 2023)

⁵ See Paragraph 18.

43. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '780 patent by, at a minimum, providing and supporting Samsara Vehicle Gateways and instructing its customers on how to use them in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.⁶

44. Based upon public information, Defendant knew that its actions, including, but not limited to any of the aforementioned products and services, would induce, have induced, and will continue to induce infringement by its customers by continuing to sell, support, and instruct its customers on using Samsara Vehicle Gateways.

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

46. 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. 7,209,959

47. Plaintiff re-alleges and incorporates by reference each of the paragraphs

⁶ See Footnote 4.

above as though fully set forth in their entirety.

48. 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.”

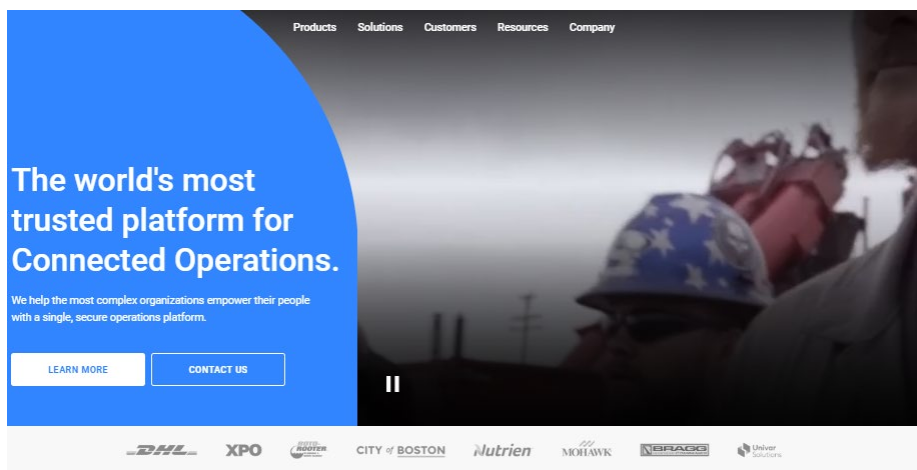
49. The claims of the ’959 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients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

50. 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.

51. 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.

52. 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.

53. 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 Samsara website infrastructure.⁷



Discover the power of Samsara technology.

We partner with the world's largest organizations to increase the safety, efficiency, and sustainability of their operations.

220M

WORKFLOWS DIGITIZED ANNUALLY

200K+

ACCIDENTS PREVENTED ANNUALLY

2.3B

POUNDS OF CO2 REDUCED ANNUALLY

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

55. Based upon public information, Defendant has infringed one or more

⁷ See <https://www.samsara.com/> (visited November 29, 2023).

claims of the '959 Patent, including Claim 1, because Samsara 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.*, samsara.com, www.samsara.com, academy.samsara.com, events.samsara.com, investors.samsara.com, cloud.samsara.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 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.samsara.com*, *academy.samsara.com*, *events.samsara.com*, *investors.samsara.com*, *cloud.samsara.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.samsara.com*, *academy.samsara.com*, *events.samsara.com*, *investors.samsara.com*, *cloud.samsara.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.

56. Defendant's aforesaid activities have been without authority and/or

license from Plaintiff.

57. 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. 7,398,298

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

59. 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."

60. 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.

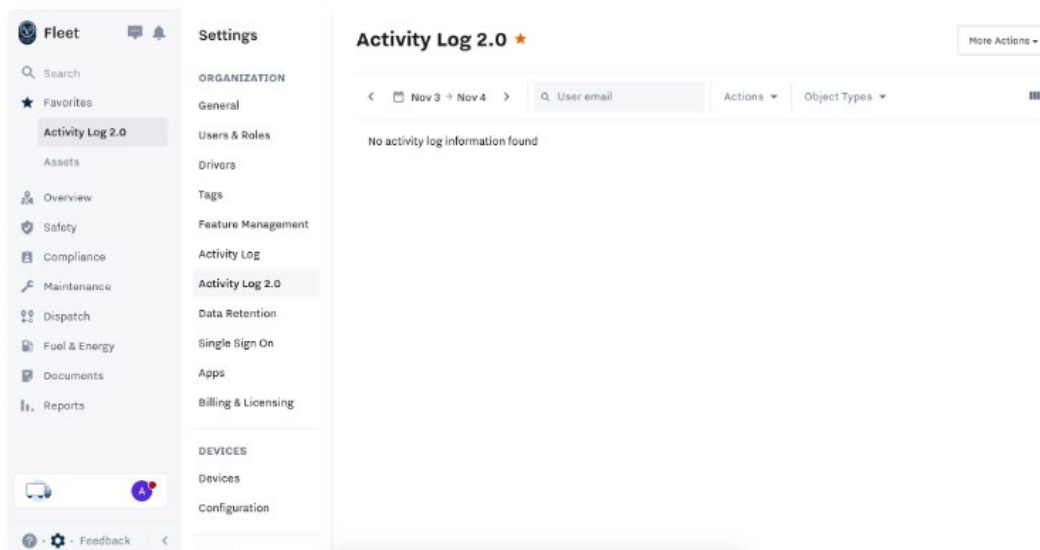
61. The written description of the '298 Patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may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

considered conventional or generic in the art at the time of the invention.

62. 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.

63. 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.

64. 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 Samsara dashboard.⁸



⁸ See <https://kb.samsara.com/hc/en-us/articles/4411870638733-Administrative-Roles> (visited November 29, 2023).

65. Upon information and belief, the Samsara dashboard meets each and every step of at least Claim 13 of the '298 Patent, either literally or equivalently.

66. Based upon public information, Defendant's provision of the Samsara dashboard has infringed and one or more claims of the '298 Patent, including Claim 13, because Samsara by its provision of the Samsara dashboard 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) by way of its administrative and user roles in the Samsara dashboard. The Samsara dashboard 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 Samsara dashboard) operating on the computer server (*e.g.*, WWW server) to process received requests for remote data directory management (*e.g.*, adding users, etc.) of desired data residing in directory structures by participating users (*e.g.*, users that have been assigned to Full Admin, Standard Admin, Read-only Admin, Maintenance, Standard Admin (No Dash Cam Access) access rights, Custom Roles, other roles, *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 permissions, activations, files, and operations available to users in an organization) accessible to each of the participating users (*e.g.*, of an organization) wherein the profile data store

is queried for the data directory structures accessible to each of the participating users (*e.g.*, role definitions indicate directory structure for each role to determine the user's abilities/permissions/activations), 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).

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

68. 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. 8,156,499

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

70. 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."

71. 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.

72. 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.

73. 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.

74. 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.

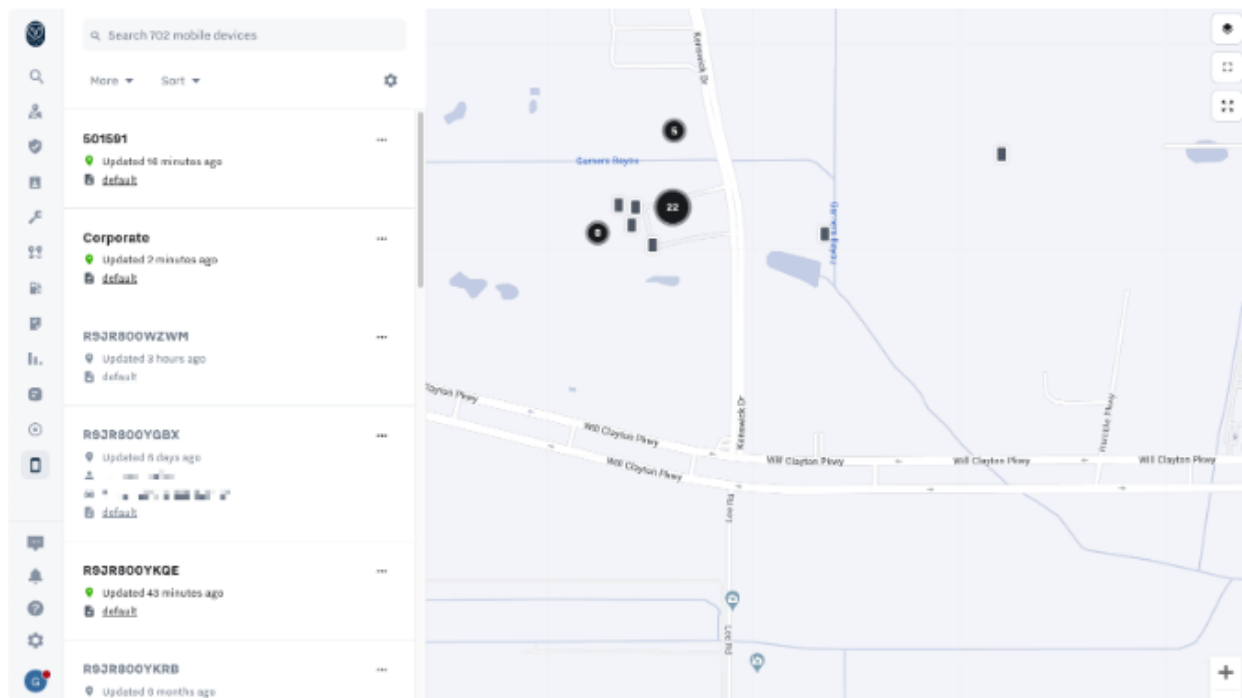
75. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '499 patent, either literally or

under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the Samsara scheduling device for operating system and app updates, using, for instance, Mobile Experience Management policies.⁹

The Samsara Mobile Experience Management (MEM) solution enables you to easily manage your mobile devices and provides functionality and features that are optimized for your operations. You can use the MEM to remotely manage your team's devices, available applications, device access, and device home screens. In addition, you can configure focus modes, such as the in-motion screen, on devices to promote safer driving behavior.

After you [Enroll Your Organization](#), you can configure your [policies](#) and [device display settings](#). Next, you can [Provision a Device and Set up the Samsara Agent](#).

Then, you can easily track and manage your devices from the Samsara dashboard.



76. Based upon public information, the Samsara scheduling device for operating system and app updates has infringed one or more claims of the '499

⁹ See <https://kb.samsara.com/hc/en-us/articles/4402723172621-Configure-System-Updates> (visited November 29, 2023).

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.*, Samsara scheduling computer) to execute a first program (*e.g.*, a operating system and app check/update) 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 operating system or apps and whether they are synchronized), 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.*, the update/installation is based on the current version of the operating system and/or app); and scheduling a second computer (*e.g.*, with a operating system and/or app update/upgrade) 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.*, operating system and/or app needs to be updated/upgraded) 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).

Mobile Device Name	Samsara Agent App ID	Mobile Device Model	Software Version	Policy
<input checked="" type="checkbox"/> Xiaomi Test Device 88b9c1e8k25k79	011b9f5a-1146-4439-8868-0216294b192a	Xiaomi Redmi Note 8 Pro	Android 9	default Last synced 20 hours ago
<input checked="" type="checkbox"/> Samsung Tab A Test Device r9wR5068w73	35e09176-c463-4aee-8f48-86906f25a70c	Samsung SM-T200	Android 10	default Last synced 17 hours ago
<input type="checkbox"/> Samsung Tab A Test Device 2 r9wR5068w73	a5239920-cd1f-4c55-bf7f-84c387ad99dd	Samsung SM-T200	Android 10	default Last synced 8 hours ago
<input checked="" type="checkbox"/> Motorola Test Device ZY22C637FP	6f0cd01d-6dc4-42e6-b29f-c31ed45871d6	Motorola moto g stylus	Android 10	default Last synced 19 hours ago

System Updates

Select when devices should apply system updates.

Windowed (update within a daily maintenance window)

Maintenance Window

🕒 12:00 AM → 2:00 AM

77. Defendant’s aforesaid activities have been without authority and/or license from Plaintiff.

78. 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 VI: INFRINGEMENT OF U.S. PATENT NO. 8,615,555

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

80. 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."

81. 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.

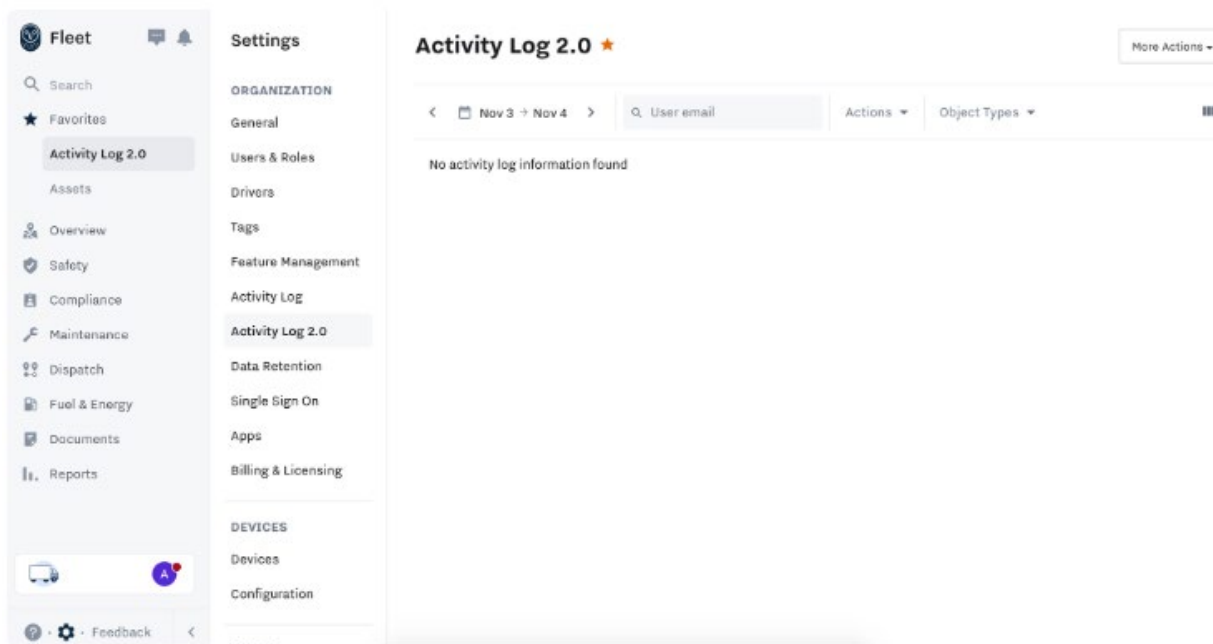
82. The written description of the '555 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may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

83. 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.

84. 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.

85. 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 the Samsara dashboard.¹⁰



86. Upon information and belief, the Samsara dashboard meets each and every step of at least Claim 1 of the '555 patent, either literally or equivalently.

87. Based upon public information, the Samsara dashboard has infringed one or more claims 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.*, the Samsara dashboard) across a communications network (*e.g.*, the Internet) to receive a first request over a communications network for management of data

¹⁰ See <https://kb.samsara.com/hc/en-us/articles/4411870638733-Administrative-Roles> (visited November 29, 2023).

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 information about the selected data directory structure (e.g., information on permissions, files, and operations available to users, account users, and administrators, 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 (e.g., a request for a new user for permissions, access to files, or to control processes accessing files), sending the data file to the specified electronic address through a system that does not include the requestor (e.g., where the user is not an authorized user), 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 (granting the permission, access, or control sought).

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

89. 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

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

PRAYER FOR RELIEF

91. 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. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '780 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patent by such entities;

- D. Judgment that Defendant's infringements be found willful as to '780 patent; and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- E. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- F. 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,
- G. Any further relief that this Court deems just and proper.

Dated: February 28, 2024

Respectfully submitted,

/s/ James F. McDonough, III

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LOCAL RULE 7.1(D) CERTIFICATION

I hereby certify, pursuant to L.R. 7.1(D), NDGa., that the foregoing complies with the font and point selections approved by the Court in L.R. 5.1(C), NDGa.. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

/s/ James F. McDonough, III

James F. McDonough, III (GA 117088)*