

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

TITANIDE VENTURES, LLC,

Plaintiff,

v.

**JUNGLE DISK, LLC, RACKSPACE
HOSTING, INC., and RACKSPACE
US, INC.,**

Defendants.

Case No.: _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Titanide Ventures, LLC for its Complaint against Jungle Disk, Inc., Rackspace Hosting, Inc., and Rackspace US, Inc., hereby alleges as follows:

THE PARTIES

1. Plaintiff Titanide Ventures, LLC, (“Titanide”) is a limited liability corporation duly organized and existing under the laws of the State of Texas, having its principal place of business at 911 NW Loop 281, Suite 211-30, Longview, TX 75604.

2. On information and belief, Defendant Jungle Disk, LLC (“Jungle Disk”) is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 1110 Satellite Blvd. NW #404, Suwanee, Georgia 30024. On information and belief, Defendant Jungle Disk is a wholly owned subsidiary of Rackspace US, Inc.

3. On information and belief, Defendant Rackspace Hosting, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 5000 Walzem Rd., San Antonio, Texas 78218.

4. On information and belief, Defendant Rackspace US, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of

business at 5000 Walzem Rd., San Antonio, Texas 78218. On information and belief, Rackspace US, Inc. is owned and controlled by Rackspace Hosting, Inc. (collectively “Rackspace”).

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. §§101 et seq. This Court has jurisdiction over Plaintiff’s federal law claims under 28 U.S.C. §§1331 and 1338(a).

6. This Court has specific and/or general personal jurisdiction over Defendants because they have committed acts giving rise to this action within this judicial district and/or have established minimum contacts within Texas and within this judicial district such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) because Defendants have committed acts within this judicial district giving rise to this action, and continue to conduct business in this district, and/or have committed acts of patent infringement within this District giving rise to this action.

CLAIM 1

INFRINGEMENT OF U.S. PATENT 6,714,968

8. Titanide re-alleges and incorporates by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

9. On March 30, 2004, United States Patent Number 6,714,968 (“the ’968 patent”) entitled “Method and System for Seamless Access to a Remote Storage Server Utilizing Multiple Access Interfaces Executing on the Remote Server” was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the ’968 patent is attached hereto as **Exhibit A**.

10. Titanide is the owner and assignee of all right, title, and interest in and to the ’968 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

DEFENDANT JUNGLE DISK

11. On information and belief, Defendant Jungle Disk has been and now is infringing the '968 patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, and/or selling in the United States data storage products and/or services that embody the inventions claimed in the '968 patent, including but not limited to Jungle Disk alone and/or in combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Jungle Disk collaborates with Rackspace to provide the Jungle Disk interface(s) to Rackspace Cloud Files. On information and belief, Defendant Jungle Disk indirectly infringes by contributing to its customers' infringement of Jungle Disk alone and/or combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Defendant Jungle Disk indirectly infringes by actively inducing its customers to use Jungle Disk alone and/or combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Defendant Jungle Disk knew or should have known its actions would induce and/or contribute to infringement of the '968 patent.

12. On information and belief, Defendant Jungle Disk will continue to infringe the '968 patent unless enjoined by this Court.

13. Defendant Jungle Disk's acts of infringement have damaged Titanide in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendant Jungle Disk's infringement of Titanide's rights under the '968 patent will continue to damage Titanide causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

DEFENDANT RACKSPACE

14. On information and belief, Defendant Rackspace has been and now is infringing the '968 patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, and/or selling in the United States data storage products and/or services that embody the inventions claimed in the '968

patent, including but not limited to Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Rackspace collaborates with Jungle Disk to provide the Jungle Disk interface(s) to Rackspace Cloud Files, and/or Rackspace promotes usage of the Jungle Disk interface. On information and belief, Defendant Rackspace indirectly infringes by contributing to its customers' infringement of Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Defendant Rackspace indirectly infringes by actively inducing its customers to use Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Defendant Rackspace knew or should have known its actions would induce and/or contribute to infringement of the '968 patent.

15. On information and belief, Defendant Rackspace will continue to infringe the '968 patent unless enjoined by this Court.

16. Defendant Rackspace's acts of infringement have damaged Titanide in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendant Rackspace's infringement of Titanide's rights under the '968 patent will continue to damage Titanide causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

CLAIM 2

INFRINGEMENT OF U.S. PATENT 6,735,623

17. Titanide re-alleges and incorporates by reference the allegations set forth in the Paragraphs above as if fully set forth herein.

18. On May 11, 2004, United States Patent Number 6,735,623 ("the '623 patent") entitled "Method and System for Accessing a Remote Storage Area" was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the '623 patent is attached hereto as **Exhibit B**.

19. Titanide is the owner and assignee of all right, title, and interest in and to the '623 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

DEFENDANT JUNGLE DISK

20. On information and belief, Defendant Jungle Disk has been and now is infringing the '623 patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, and/or selling in the United States data storage products and/or services that embody the inventions claimed in the '623 patent, including but not limited to Jungle Disk alone and/or in combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Jungle Disk collaborates with Rackspace to provide the Jungle Disk interface(s) to Rackspace Cloud Files. On information and belief, Defendant Jungle Disk indirectly infringes by contributing to its customers' infringement of Jungle Disk alone and/or combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Defendant Jungle Disk indirectly infringes by actively inducing its customers to use Jungle Disk alone and/or combination with Rackspace Cloud Files and all reasonably similar products. On information and belief, Defendant Jungle Disk knew or should have known its actions would induce and/or contribute to infringement of the '623 patent.

21. On information and belief, Defendant Jungle Disk will continue to infringe the '623 patent unless enjoined by this Court.

22. Defendant Jungle Disk's acts of infringement have damaged Titanide in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendant Jungle Disk's infringement of Titanide's rights under the '623 patent will continue to damage Titanide causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

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DEFENDANT RACKSPACE

23. On information and belief, Defendant Rackspace has been and now is infringing the '623 patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, and/or selling in the United States data storage products and/or services that embody the inventions claimed in the '623 patent, including but not limited to Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Rackspace collaborates with Jungle Disk to provide the Jungle Disk interface(s) to Rackspace Cloud Files, and/or Rackspace promotes usage of the Jungle Disk interface. On information and belief, Defendant Rackspace indirectly infringes by contributing to its customers' infringement of Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Defendant Rackspace indirectly infringes by actively inducing its customers to use Rackspace Cloud Files alone and/or in combination with Jungle Disk and all reasonably similar products. On information and belief, Defendant Rackspace knew or should have known its actions would induce and/or contribute to infringement of the '623 patent.

24. On information and belief, Defendant Rackspace will continue to infringe the '623 patent unless enjoined by this Court.

25. Defendant Rackspace's acts of infringement have damaged Titanide in an amount to be proven at trial, but in no event less than a reasonable royalty. Defendant Rackspace's infringement of Titanide's rights under the '623 patent will continue to damage Titanide causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

JOINER

26. As discussed in the preceding paragraphs, on information and belief, Defendants infringe the asserted patents by making, using, selling, offering to sell, and/or importing specific accused instrumentalities that are common including Jungle Disk. Thus, Titanide asserts rights to relief against Defendants with respect to or arising out of the same transaction, occurrence, or

series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused products. Moreover, because specific accused instrumentalities and asserted patents are common to Defendants, questions of fact common to Defendants will arise in the action.

PRAYER FOR RELIEF

1. Wherefore, Titanide respectfully requests that this Court enter judgment against Defendants as follows:

- a. For judgment that Defendants have infringed and continue to infringe the claims of the '968 and '623 Patents;
- b. For preliminary and permanent injunction against Defendants and their respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '968 and '623 Patents;
- c. For an accounting of all damages caused by Defendants' acts of infringement;
- d. For damages to be paid by Defendants adequate to compensate Titanide for Defendant Defendants' infringement, including interest, costs and disbursement as justified under 35 U.S.C. § 284;
- e. For judgment finding this to be an exceptional case, and awarding Titanide attorney fees under 35 U.S.C. § 285; and
- f. For such relief at law and in equity as the Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Titanide demands a trial by jury of all issues triable by a jury.

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Dated: April 30, 2012

Respectfully submitted,

/s/ Christopher D. Banys

Christopher D. Banys - **Lead Attorney**

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