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19 *Data Scape Limited*

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **WESTERN DIVISION**

23 DATA SCAPE LIMITED,
24 Plaintiff,
25 vs.
26 CITRIX SYSTEMS, INC.,
27 Defendant.

Case No. 2:19-cv-04667

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

28 This is an action for patent infringement arising under the Patent Laws of the
United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Data Scape Limited
("Plaintiff," "Data Scape") makes the following allegations against Defendant Citrix
Systems, Inc. ("Defendant" or "Citrix"):

1 **PARTIES**

2 1. Data Scape is a company organized under the laws of Ireland with its office
3 located at Office 115, 4-5 Burton Hall Road, Sandyford, Dublin 18, Ireland.

4 2. On information and belief, Defendant Citrix is a Delaware corporation
5 with a principal place of business at 4988 Great America Parkway, Santa Clara, CA
6 95054. Citrix has regular and established places of business in this District, including,
7 e.g., at 7414 Hollister Avenue, Goleta, CA 93117. *E.g.*,
8 <https://www.citrix.com/contact/sales.html>. Citrix offers its products and/or services,
9 including those accused herein of infringement, to customers and potential customers
10 located in California and in this District. Citrix can be served with process through its
11 registered agent, the Corporation Service Company Which will Do Business in
12 California as CSC-Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite
13 150N, Sacramento, California 95833-3505.

14 **JURISDICTION AND VENUE**

15 3. This action arises under the patent laws of the United States, Title 35 of
16 the United States Code. This Court has original subject matter jurisdiction pursuant to
17 28 U.S.C. §§ 1331 and 1338(a).

18 4. This Court has personal jurisdiction over Citrix in this action because
19 Citrix has committed acts within the Central District of California giving rise to this
20 action and has established minimum contacts with this forum such that the exercise of
21 jurisdiction over Citrix would not offend traditional notions of fair play and substantial
22 justice. Citrix, directly and through subsidiaries or intermediaries, has committed and
23 continues to commit acts of infringement in this District by, among other things,
24 offering to sell and selling products and/or services that infringe the asserted patents.

25 5. Venue is proper in this district under 28 U.S.C. § 1400(b). Citrix is
26 registered to do business in California, and upon information and belief, Citrix has
27 transacted business in the Central District of California and has committed acts of direct
28

1 and indirect infringement in the Central District of California. Citrix has regular and
2 established place(s) of business in this District, as set forth above.

3 **COUNT I**

4 **INFRINGEMENT OF U.S. PATENT NO. 10,277,675**

5 6. Data Scape is the owner by assignment of United States Patent No.
6 10,277,675 (“the ’675 Patent”) entitled “Communication System And Its Method and
7 Communication Apparatus And Its Method.” The ’675 Patent was duly and legally
8 issued by the United States Patent and Trademark Office on April 30, 2019. A true and
9 correct copy of the ’675 Patent is included as Exhibit A.

10 7. On information and belief, Citrix has offered for sale, sold and/or imported
11 into the United States Citrix products and services that infringe the ’675 patent, and
12 continues to do so. By way of illustrative example, these infringing products and
13 services include, without limitation, Citrix’s products and services, *e.g.*, ShareFile,
14 Citrix Content Collaboration, and Citrix Workspace, and all versions and variations
15 thereof since the issuance of the ’675 Patent (“Accused Instrumentalities”).

16 8. Defendant has directly infringed and continues to infringe the '675 Patent,
17 for example, by making, selling, offering for sale, and/or importing the Accused
18 Instrumentalities, and through its own use and testing of the Accused Instrumentalities.
19 Defendant uses the Accused Instrumentalities for its own internal non-testing business
20 purposes, while testing the Accused Instrumentalities, and while providing technical
21 support and repair services for the Accused Instrumentalities to its customers.

22 9. For example, the Accused Instrumentalities infringe Claim 1 (as well as
23 other claims) of the '675 Patent. One non-limiting example of the Accused
24 Instrumentalities’ infringement is presented below:

25 10. The Accused Instrumentalities include “a communication system
26 including a first apparatus having a first hardware storage medium, and a second
27 apparatus.” For example, the Accused Instrumentalities include a communication
28 system (*e.g.*, ShareFile product) comprising of StorageZones having a storage medium

1 (e.g., Microsoft Azure or Citrix S3 cloud storage, network drives) and clients (e.g.,
 2 mobile devices, native desktop client, virtual desktop).
 3 [https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)
 4 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

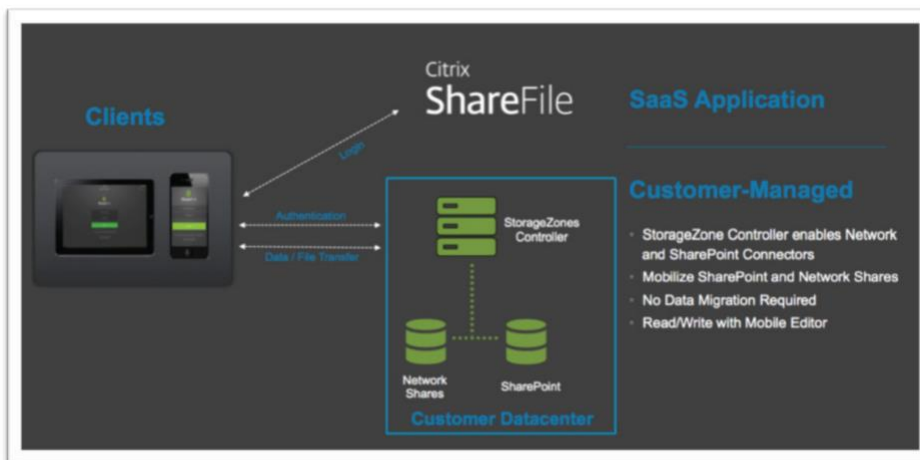


Figure 3. StorageZone Connector architecture

15 [https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)
 16 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)

17 11. The Accused Instrumentalities include “a second apparatus comprising a
 18 second hardware storage medium configured to store management information of data
 19 to be transferred to said first storage medium.” The Accused Instrumentalities include
 20 a second apparatus comprising: a second storage medium configured to store
 21 management information of data to be transferred to said first storage medium. For
 22 example, the Accused Instrumentalities include clients such as mobile devices, native
 23 desktop clients, or virtual desktops.
 24 [https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)
 25 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). Moreover, mobile devices, native
 26 desktop clients or virtual desktops include a storage medium (e.g., see figure below).

Users with appropriate access will see a connected SharePoint library or network file share in the ShareFile client interface under **Folders > SharePoint or Folders > Network Shares** referenced in Figure 3.

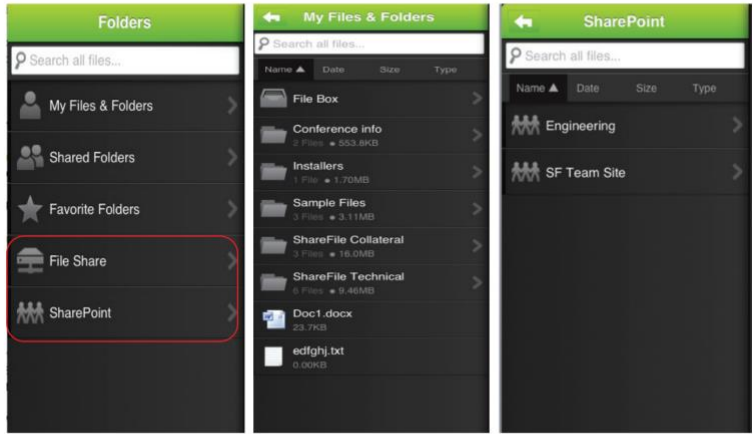
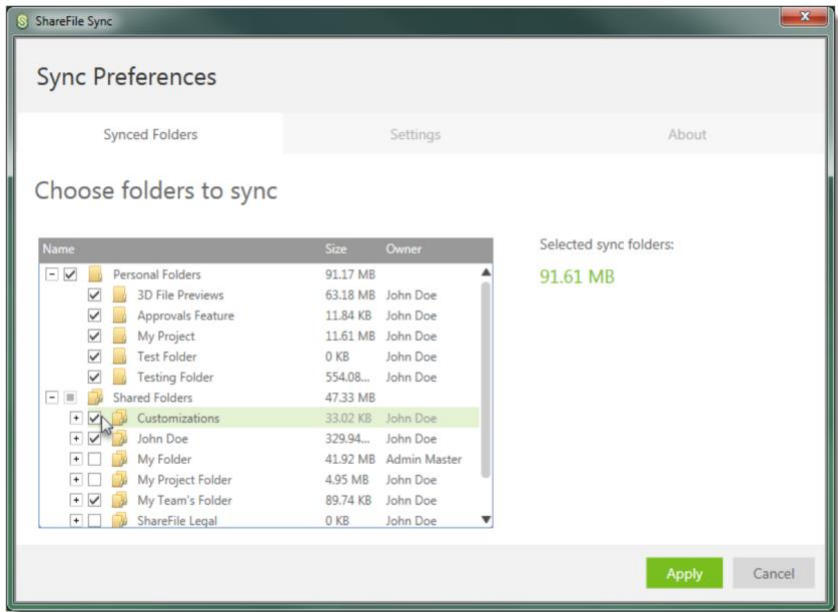


Figure 3. Folder structure in the ShareFile mobile client interface

https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/sharefile-storagezone-connectors-feature-brief.pdf. Moreover, the Accused Instrumentalities provide ShareFile Sync tool configured to synchronize selected folders (e.g., “Under the Synced Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the Accused Instrumentalities include ShareFile Sync tool that stores information about the selected folders’ structure (e.g., see figure below).



1 <https://support.citrix.com/article/CTX207683?recommended>.

2 12. The Accused Instrumentalities include “a second apparatus comprising a
3 hardware interface configured to communicate data with said first apparatus.” For
4 example, the Accused Instrumentalities disclose “[F]iles are transferred through
5 ShareFile over a secure SSL/TLS connection and are stored at rest with AES 256-bit
6 encryption.” [https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-](https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf)

7 [datasheet.pdf](https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf). (e.g., Data/File Transfer between Clients and Customer Datacenter in the
8 figure below).



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17 Figure 3. StorageZone Connector architecture

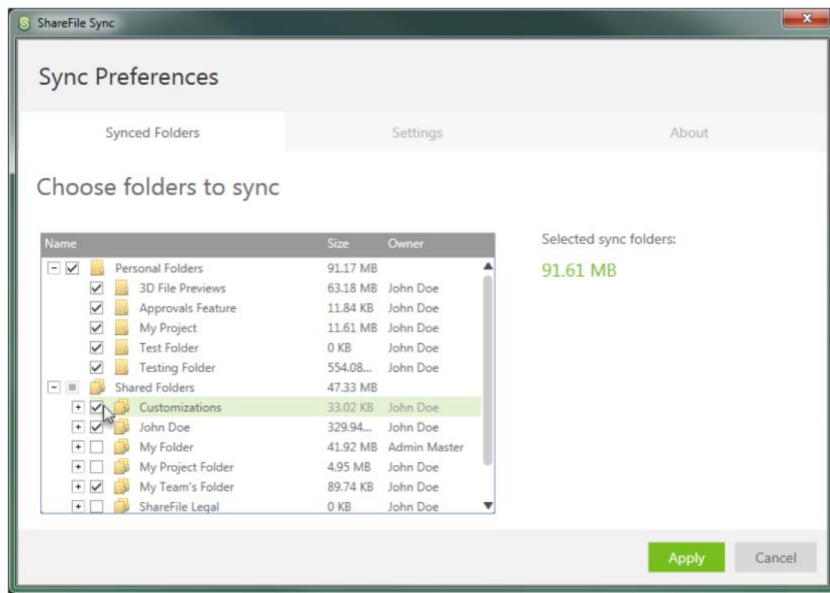
18 [https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)
19 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf).

20 13. The Accused Instrumentalities include “a second apparatus comprising a
21 processor configured to detect whether said first apparatus and said second apparatus
22 are connected.” For example, the Accused Instrumentalities include a detector
23 configured to detect whether network connectivity is down. For example, the Accused
24 Instrumentalities disclose that “[I]f internet connectivity is lost, uploads will be retried
25 automatically when connectivity is restored.”

26 <https://support.citrix.com/article/CTX226351>.

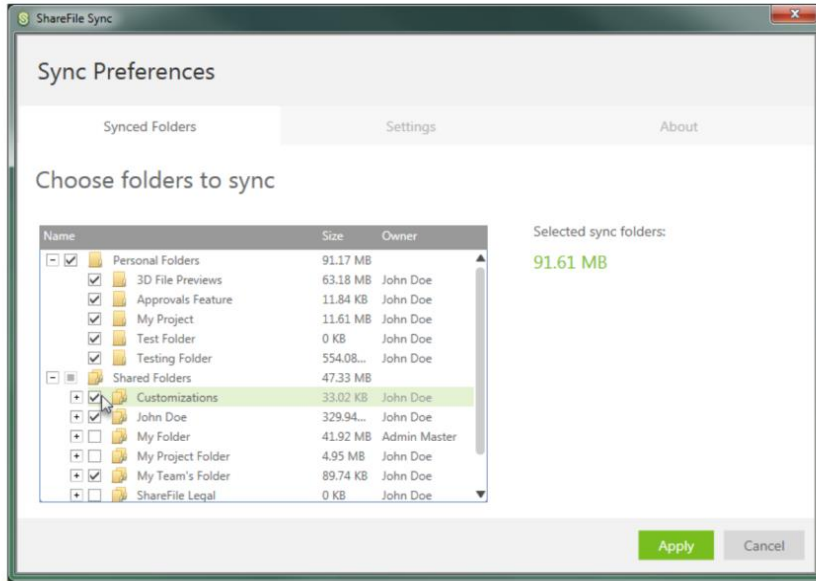
27 14. The Accused Instrumentalities include “a second apparatus comprising a
28 processor configured to select certain data to be transferred.” For example, the Accused

1 Instrumentalities let the user select folders to synchronize (e.g., “Under the Synced
2 Folders tab, use the checkboxes to designate which folders to sync. Click Apply to save
3 your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this
4 regard, the Accused Instrumentalities include ShareFile Sync tool that stores
5 information about the selected folders’ structure (e.g., see figure below).



16 <https://support.citrix.com/article/CTX207683?recommended>.

17 15. The Accused Instrumentalities include “a second apparatus comprising a
18 processor configured to edit said management information based on said selection
19 without regard to the connection of said first apparatus and said second apparatus.” For
20 example, the Accused Instrumentalities let the user select folders to synchronize (e.g.,
21 “Under the Synced Folders tab, use the checkboxes to designate which folders to sync.
22 Click Apply to save your changes.” <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the
23 Accused Instrumentalities include ShareFile Sync tool that stores information about the
24 selected folders’ structure (e.g., see figure below).

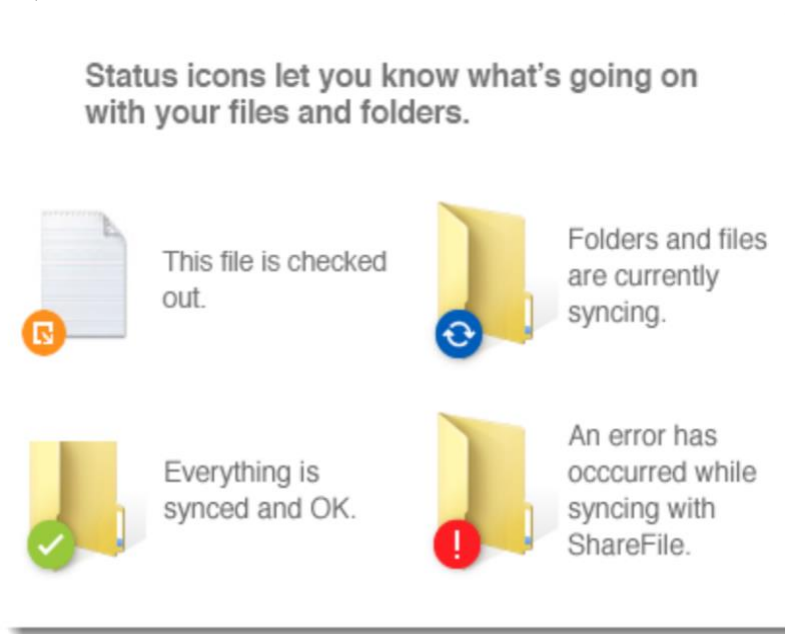


11 <https://support.citrix.com/article/CTX207683?recommended>. Moreover, the Accused
12 Instrumentalities are able to edit information about the synchronized folders' structure
13 even when internet connection is unavailable. For example, the Accused
14 Instrumentalities disclose “[W]hen you delete a file from your sync location, it is
15 moved to the local Recycle Bin of your PC.”

16 <https://support.citrix.com/article/CTX207683?recommended>. The Accused
17 Instrumentalities also disclose that “[I]f you share a sync location with another user and
18 you delete a file, the file will be moved to the local Recycle Bin of your PC and the
19 local Recycle Bin of any user currently synced to that
20 location.” <https://support.citrix.com/article/CTX207683?recommended>. As another
21 example, the Accused Instrumentalities disclose that “[I]f internet connectivity is lost,
22 uploads will be retried automatically when connectivity is restored.”
23 <https://support.citrix.com/article/CTX226351>.

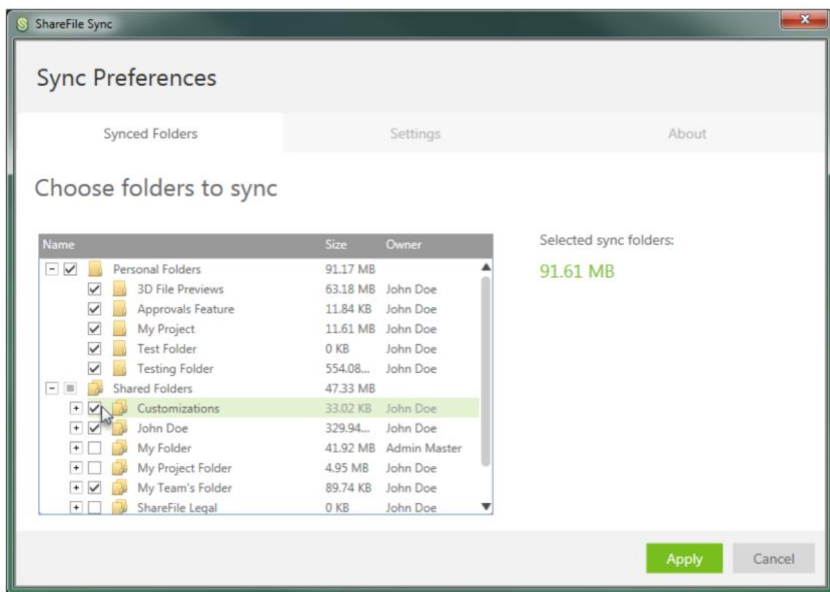
24 16. The Accused Instrumentalities include “a second apparatus comprising a
25 processor configured to compare said management information edited by said
26 processor with management information of data stored in said first storage medium.”
27 For example, the Accused Instrumentalities provide folders and files synchronization
28 status indicators. As such, synchronization status indicators may indicate whether

1 folders or files are synced or in the process of syncing (e.g., “You can view currently
 2 syncing and synced files, currently checked out files, start or pause the Sync
 3 process... .” <https://support.citrix.com/article/CTX207683?recommended> and figure
 4 below).



19 <https://support.citrix.com/article/CTX234889>.

20 17. The Accused Instrumentalities further include a “a second apparatus
 21 comprising a processor configured to transmit the selected data stored in said second
 22 apparatus to said first apparatus via said hardware interface based on said management
 23 information edited by said processor when said processor detects that said first
 24 apparatus and said second apparatus are connected based upon a result of the
 25 comparison.” For example, the Accused Instrumentalities let the user select folders to
 26 synchronize (e.g., “Under the Synced Folders tab, use the checkboxes to designate
 27 which folders to sync. Click Apply to save your changes.”
 28 <https://support.citrix.com/article/CTX207683?recommended>). In this regard, the
 Accused Instrumentalities include ShareFile Sync tool that provides transfer of the
 selected folders (e.g., see figure below).



11 <https://support.citrix.com/article/CTX207683?recommended>. As another example, the
 12 Accused Instrumentalities disclose “[F]iles are transferred through ShareFile over a
 13 secure SSL/TLS connection and are stored at rest with AES 256-bit encryption.”
 14 <https://www.ready.it/sharefile/files/citrix-sharefile-enterprise-datasheet.pdf>. (e.g.,
 15 Data/File Transfer between Clients and Customer Datacenter in the figure below).

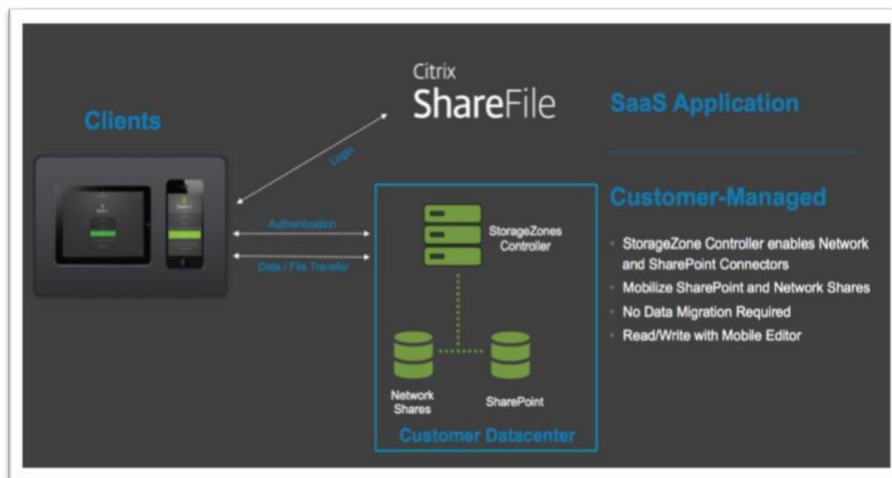


Figure 3. StorageZone Connector architecture

25 [https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf)
 26 [sharefile-enterprise-a-technical-overview.pdf](https://www.citrix.com/content/dam/citrix/en_us/documents/products-solutions/citrix-sharefile-enterprise-a-technical-overview.pdf). Moreover, the Accused
 27 Instrumentalities detect whether client devices and StorageZones datacenters are
 28 connected. As such, the Accused Instrumentalities disclose that “[I]f internet

1 connectivity is lost, uploads will be retried automatically when connectivity is
2 restored.” <https://support.citrix.com/article/CTX226351>.

3 18. Defendant has had knowledge of the '675 Patent and its infringement since
4 at least the filing of the original Complaint in this action, or shortly thereafter, including
5 by way of this lawsuit. By the time of trial, Defendant will have known and intended
6 (since receiving such notice) that its continued actions would actively induce and
7 contribute to the infringement of the claims of the '675 Patent.

8 19. Defendant's affirmative acts of making, using, selling, offering for sale,
9 and/or importing the Accused Instrumentalities have induced and continue to induce
10 users of the Accused Instrumentalities to use the Accused Instrumentalities in their
11 normal and customary way to infringe the claims of the '675 Patent. Use of the Accused
12 Instrumentalities in their ordinary and customary fashion results in infringement of the
13 claims of the '675 Patent.

14 20. For example, Defendant explains to customers the benefits of using the
15 Accused Instrumentalities, such as by touting their advantages of synchronizing settings
16 among multiple devices. Defendant also induces its customers to use the Accused
17 Instrumentalities to infringe other claims of the '675 Patent. Defendant specifically
18 intended and was aware that the normal and customary use of the Accused
19 Instrumentalities on compatible systems would infringe the '675 Patent. Defendant
20 performed the acts that constitute induced infringement, and would induce actual
21 infringement, with the knowledge of the '675 Patent and with the knowledge, or willful
22 blindness to the probability, that the induced acts would constitute infringement. On
23 information and belief, Defendant engaged in such inducement to promote the sales of
24 the Accused Instrumentalities, e.g., through its user manuals, product support,
25 marketing materials, demonstrations, installation support, and training materials to
26 actively induce the users of the accused products to infringe the '675 Patent.
27 Accordingly, Defendant has induced and continues to induce end users of the accused
28 products to use the accused products in their ordinary and customary way with

1 compatible systems to make and/or use systems infringing the '675 Patent, knowing
2 that such use of the Accused Instrumentalities with compatible systems will result in
3 infringement of the '675 Patent. Accordingly, Defendant has been (since at least as of
4 filing of the original complaint), and currently is, inducing infringement of the '675
5 Patent, in violation of 35 U.S.C. § 271(b).

6 21. For similar reasons, Defendant also infringes the '675 Patent by supplying
7 or causing to be supplied in or from the United States all or a substantial portion of the
8 components of the Accused Instrumentalities, where such components are uncombined
9 in whole or in part, in such manner as to actively induce the combination of such
10 components outside of the United States in a manner that would infringe the '675 Patent
11 if such combination occurred within the United States. For example, Defendant supplies
12 or causes to be supplied in or from the United States all or a substantial portion of the
13 hardware and software components of the Accused Instrumentalities in such a manner
14 as to actively induce the combination of such components outside of the United States.

15 22. Defendant has also infringed, and continues to infringe, claims of the '675
16 Patent by offering to commercially distribute, commercially distributing, making,
17 and/or importing the Accused Instrumentalities, which are used in practicing the
18 process, or using the systems, of the '675 Patent, and constitute a material part of the
19 invention. Defendant knows the components in the Accused Instrumentalities to be
20 especially made or especially adapted for use in infringement of the '674 Patent, not a
21 staple article, and not a commodity of commerce suitable for substantial noninfringing
22 use. For example, the ordinary way of using the Accused Instrumentalities infringes the
23 patent claims, and as such, is especially adapted for use in infringement. Accordingly,
24 Defendant has been, and currently is, contributorily infringing the '675 Patent, in
25 violation of 35 U.S.C. § 271(c).

26 23. Defendants also indirectly infringe the '675 Patent by supplying or causing
27 to be supplied in or from the United States components of the Accused Instrumentalities
28 that are especially made or especially adapted for use in infringing the '675 Patent and

1 are not a staple article or commodity of commerce suitable for substantial non-
2 infringing use, and where such components are uncombined in whole or in part,
3 knowing that such components are so made or adapted and intending that such
4 components are combined outside of the United States in a manner that would infringe
5 the '675 Patent if such combination occurred within the United States. Because the
6 Accused Instrumentalities are designed to operate as the claimed system and apparatus,
7 the Accused Instrumentalities have no substantial non-infringing uses, and any other
8 uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or
9 experimental. For example, Defendant supplies or causes to be supplied in or from the
10 United States all or a substantial portion of the hardware and software components that
11 are especially made or especially adapted for use in the Accused Instrumentalities,
12 where such hardware and software components are not staple articles or commodities
13 of commerce suitable for substantial noninfringing use, knowing that such components
14 are so made or adapted and intending that such components are combined outside of the
15 United States, as evidenced by Defendant's own actions or instructions to users in, e.g.,
16 combining multiple Teradata servers into infringing systems, and enabling and
17 configuring the infringing functionalities of the Accused Instrumentalities.

18 24. As a result of Defendant's infringement of the '675 Patent, Plaintiff Data
19 Scape is entitled to monetary damages in an amount adequate to compensate for each
20 Defendant's infringement, but in no event less than a reasonable royalty for the use
21 made of the invention by each Defendant, together with interest and costs as fixed by
22 the Court.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff Data Scape respectfully requests that this Court enter:

- 25 a. A judgment in favor of Plaintiff that Defendant has infringed, literally
26 and/or under the doctrine of equivalents the '675 Patent;
- 27 b. A judgment and order requiring Defendant to pay Plaintiff its damages,
28 costs, expenses, and prejudgment and post-judgment interest for its

- 1 infringement of the '675 Patent, as provided under 35 U.S.C. § 284;
- 2 c. A judgment and order requiring Defendant to provide an accounting and
- 3 to pay supplemental damages to Data Scape, including without limitation,
- 4 prejudgment and post-judgment interest;
- 5 d. A permanent injunction prohibiting Defendant from further acts of
- 6 infringement of 'the 675 Patent;
- 7 e. A judgment and order finding that this is an exceptional case within the
- 8 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable
- 9 attorneys' fees against Citrix Systems; and
- 10 f. Any and all other relief as the Court may deem appropriate and just under
- 11 the circumstances.

12 **DEMAND FOR JURY TRIAL**

13 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial
14 by jury of any issues so triable by right.

15
16 Respectfully Submitted,

17 Dated: May 29, 2019

18 /s/ Reza Mirzaie
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