

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

TOPIA TECHNOLOGY, INC.,

Plaintiff,

v.

EGNYTE, INC.,

Defendant.

C.A. No. \_\_\_\_\_

**COMPLAINT**

Plaintiff Topia Technology, Inc., (“Topia” or “Plaintiff”) files this complaint for patent infringement against Defendant Egnyte, Inc., (“Egnyte” or “Defendant”), and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action for patent infringement arising under 35 U.S.C. § 1 *et seq.* including §§ 271, 283, 284, and 285.

**PARTIES**

2. Topia is a company organized and existing under the laws of the State of Washington with its principal place of business in Tacoma, Washington.
3. On information and belief, Egnyte, Inc., is a corporation organized and existing under the laws of the State of Delaware.

**JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1367, and 1338(a).
5. Upon information and belief, this Court has personal jurisdiction over Egnyte, because Egnyte is

incorporated in the State of Delaware.

6. Upon information and belief, Egnyte is in the business of providing online document storage and synchronization products and services, including products and services that infringe Plaintiff's patents identified below, through Egnyte's online platforms and mobile applications to customers.
7. Further, upon information and belief, this Court has personal jurisdiction over Egnyte because Egnyte has purposefully availed itself of the rights and benefits of the laws of the State of Delaware by engaging in systematic and continuous contacts within the State of Delaware such that the exercise of jurisdiction over Egnyte would not offend traditional notions of fair play and substantial justice. Egnyte has also committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted Patents.
8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b), because Egnyte is incorporated under the laws of the State of Delaware and, therefore, "resides" in this judicial district, and the infringing activity has occurred and continues to occur in this Judicial District.
9. The allegations provided below are exemplary and without prejudice to Plaintiff's infringement contentions that will be provided pursuant to the Court's scheduling order and local civil rules, including after discovery as provided under the Federal Rules of Civil Procedure. In providing these allegations, Plaintiff does not convey or imply any particular claim constructions or the precise scope of the claims of the asserted patents. Plaintiff's proposed claim constructions, if any, will be provided pursuant to the Court's scheduling order and local civil rules

### **COUNT ONE**

### **INFRINGEMENT OF U.S. PATENT NO. 9,143,561**

10. Plaintiff incorporates paragraphs 1 through 9 as though fully set forth herein.
11. U.S. Patent No. 9,143,561 ("the '561 Patent"), entitled "Architecture For Management of Digital

Files Across Distributed Network,” issued on September 22, 2015. A copy of the ’561 Patent is attached as Exhibit 1.

12. The ’561 patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to at least one other device.

13. Plaintiff is the owner by assignment of all rights, title, and interest in and to the ’561 Patent, including the right to assert all causes of action arising under the ’561 Patent and the right to all remedies for the infringement of the ’561 Patent.

14. Claim 1 of the ’561 Patent recites:

1. A system, comprising:

a first electronic device configured to selectively execute a first application, the first electronic device being in communication with a second electronic device and a third electronic device, each associated with a user wherein the first electronic device is configured to:

receive from a second application executable on the second electronic device a copy of a first electronic file automatically transferred from the second application when the user modifies a content of the first electronic file; and

wherein the first electronic device is further configured to receive from a third application executable on the third electronic device a copy of a second electronic file automatically transferred from the third application when the user modifies a content of the second electronic file; and

wherein the first application is further configured to automatically transfer the modified first electronic file copy to the third electronic device to replace an

older version of the first electronic file stored on the third electronic device with the modified first electronic file copy having the content modified by the user; and

automatically transfer the modified second electronic file copy to the second electronic device to replace an older version of the second electronic file stored on the second electronic device with the modified second electronic file copy having the content modified by the user;

wherein the second application automatically transfers the copy of the modified first electronic file to the first electronic device upon determining that a save operation has been performed on the modified first electronic file.

15. Egnyte offers a suite of products and services, including Egnyte Connect, for individuals and businesses, which practice each and every limitation of one or more claims of the '561 patent. Egnyte's products and services include systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to at least one other device.
16. Egnyte's products and services involve systems that include various client and server devices and software. Egnyte's server infrastructure includes a first electronic device (e.g., a server system) executing an application (e.g., running Egnyte server software). The first electronic device (e.g., the server system) is in communication with a second electronic device (e.g., the first client device such as a laptop or a smart phone) and a third electronic device (e.g., the second client device such as a laptop or a smart phone). Egnyte promotes its products and services as one unified platform including cloud storage server systems to manage, secure and govern content across multiple devices.

17. For example, Egnyte offers client software, including Egnyte Connect, running on Windows, Mac, iOS, Android, and web browsers:



<https://www.egnyte.com/> (last visited December 16, 2021)

### Storage Sync (VMware, Hyper-V)

If you're already using a traditional file server in your office or want to have a local copy of your data, Egnyte provides Storage Sync. Storage Sync bi-directionally syncs company files between your office file server and the cloud so you can access files on the server quickly when you're working in the office, or retrieve them from the cloud when you're out of the office.

<https://helpdesk.egnyte.com/hc/en-us/articles/201637184-Ways-to-Upload-Files#ed> (last visited December 16, 2021)

## General

- Desktop App M1 silicon support ★
- Co-authoring access from Desktop App ★
- Desktop App for Mac in Big Sur macOS ★
- Desktop App Overview ★
- Egnyte Desktop App - Best Practices ★

## Set Up

- Desktop App Installers ★
- Desktop App for Windows Installation ★
- Desktop App for Mac Installation

<https://helpdesk.egnyte.com/hc/en-us/categories/360001767951> (last visited December 16, 2021)

## PHYSICAL SECURITY

### Datacenter Security

For data stored in Egnyte's datacenters, Egnyte protects the servers where the data resides, housing our application and storage in industry-leading Tier III, SSAE 16 compliant co-location facilities that feature 24-hour manned security, biometric access control, and video surveillance. All servers reside in private cages that require physical keys to open. All datacenters hosting these servers are audited regularly for potential risks and limitations.

Egnyte Connect datacenters are set up to protect company data from hardware and environmental risks. Datacenter servers are maintained in a strictly controlled atmosphere to ensure optimal performance and protection. They are also designed to withstand natural disasters including fires and earthquakes up to an 8.0 magnitude. To ensure uninterrupted accessibility of data, servers are equipped with redundant electrical supplies, protecting against unforeseen power outages and electrical surges. Power is drawn from two separate power grids, while the facilities house redundant UPS modules and a generator to protect from wider power outages.

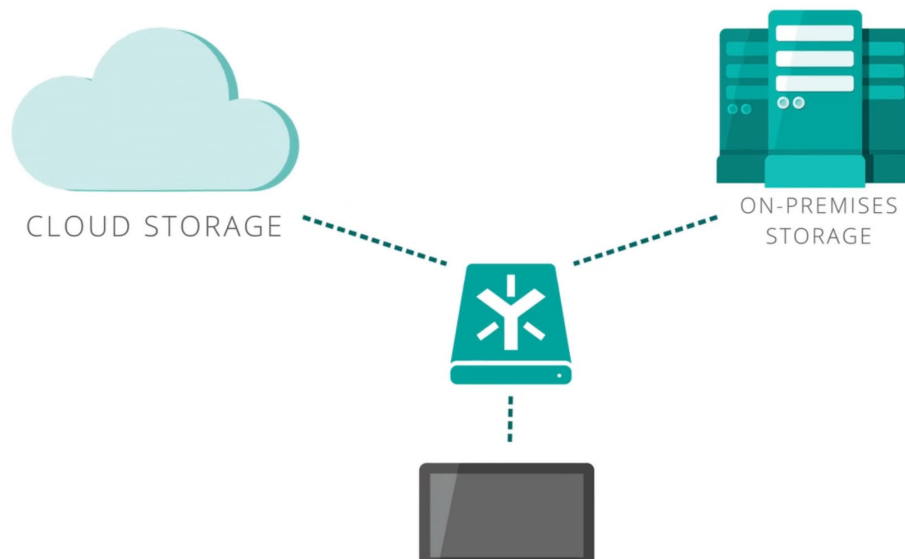
System and network performance is continually monitored by Egnyte and datacenter operations to ensure continuous data availability. To learn more about Egnyte's datacenters, please contact Egnyte for the Datacenter Protection Document.

Egnyte Whitepaper, pages 5-6. Egnyte Whitepaper is attached as Exhibit 2.

18. Egnyte server infrastructure includes an electronic device running Egnyte server software that is configured to execute an Egnyte server application, and electronic client devices running Egnyte

software being in communication with the electronic device running Egnyte server software.

Egnyte provides the following overview of its architecture:



## Work without boundaries

Access, share, and collaborate on all your content whether you're online or offline, in the office or at a remote location.

## Collaborate when online or offline

No matter if you have Internet connectivity or not, you have access to your content.

When you're online, it's business as usual, and you can share, edit, and collaborate on all your content.

When you're offline, the content that you marked for offline access will be on your desktop. Any file changes will automatically sync to the cloud when you're back online.

If your computer is ever lost, stolen or damaged, or if you want to work on files from your home computer, no worries. Simply make sure that your content is also backed-up in the cloud with Egnyte.

<https://www.egnyte.com/file-access/desktop-access> (last visited December 16, 2021)

19. The first electronic device (e.g., the server system) running Egnyte server software and the first and the second electronic client devices (the first and second client devices such as laptop or a smart phone) running Egnyte software are associated with a user. Client devices are associated with a user using an account (e.g., user login):

**Mobile Passcode Lock**

Businesses can minimize security risks in the event employee mobile devices are lost or stolen. Administrators can set mandatory passcode locks, requiring users to enter their pin after they login or their device is idle. As an additional safety precaution, locally stored mobile files can be automatically wiped after a set number of incorrect passcode attempts.

Egnyte Whitepaper, pages 5-6. Egnyte Whitepaper is attached as Exhibit 2.

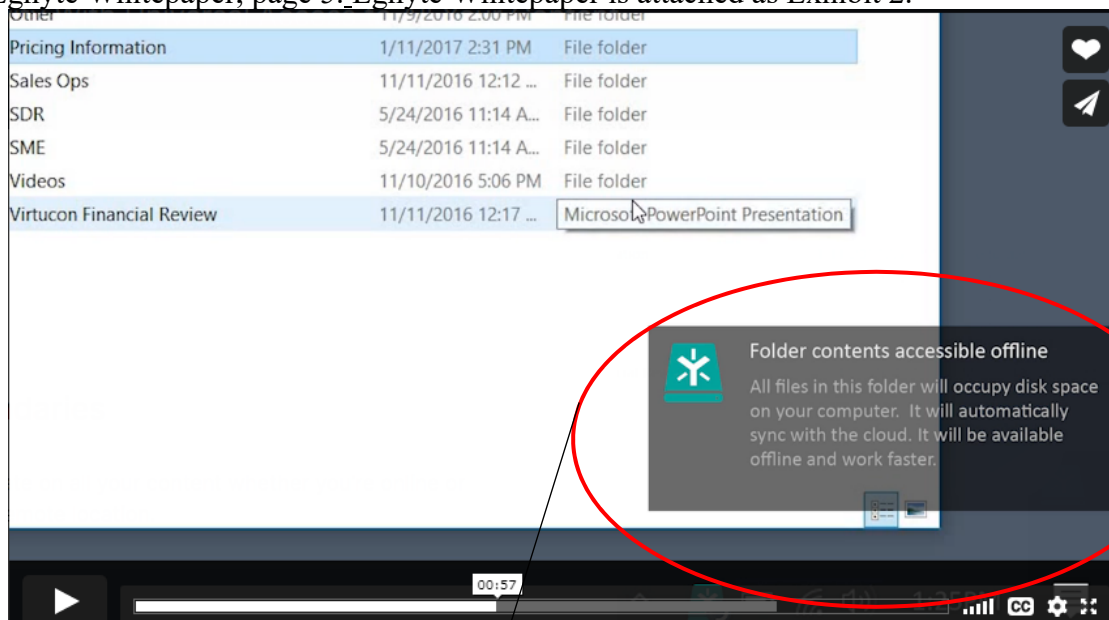
20. The first electronic device (e.g., the server system running Egnyte server software) is configured to receive from a second application executable (e.g., Egnyte Connect software) on the second electronic device (e.g., the first client device such as a laptop or a smart phone) a copy of a first electronic file automatically transferred from the second application when the user modifies a content of the first electronic file.
21. Egnyte server system receives, over a network, a copy of a first file from the first client device (e.g., a laptop or a smart phone) associated with a user, the copy of the first file being automatically received from the first client device when the user modifies the content of the first file stored on the first client device, the copy of the first file being an updated version of the first file that is generated from the user modifying the content of the first file in the client device.
22. When a user modifies a file inside the Egnyte Connect folder on a second electronic device, a copy of the file will be automatically uploaded to Egnyte's servers:



## Secure Hybrid File Storage

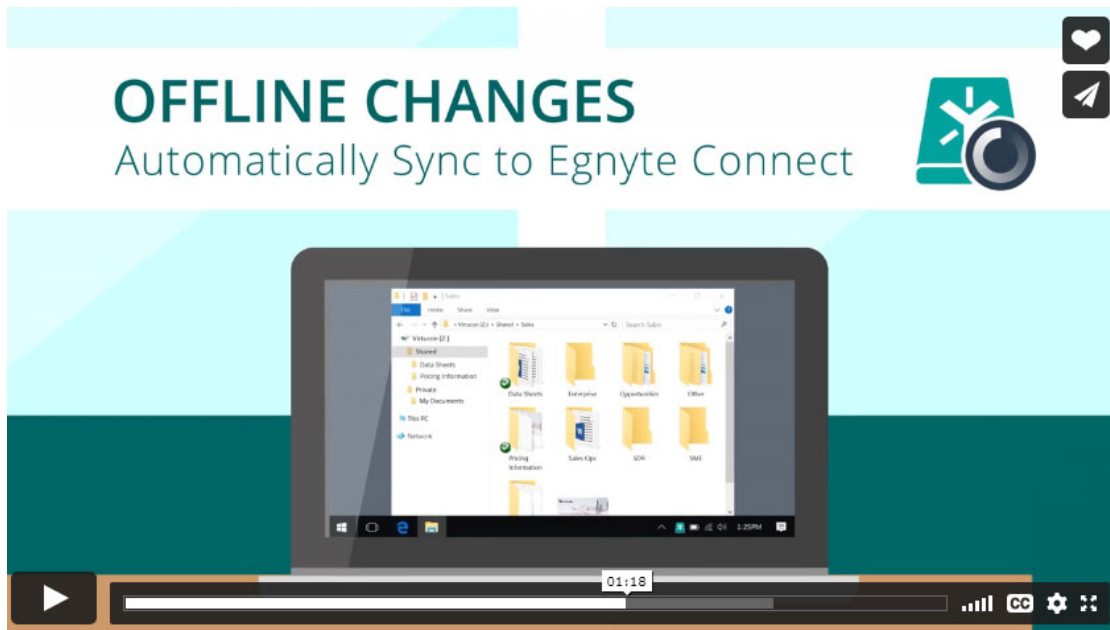
Egnyte Connect provides the flexibility to deploy a solution that automatically syncs files stored in the cloud with multiple on-premises locations to ensure users always have access to the latest documents, wherever they are located. In addition, Egnyte can synchronize content between sites to improve availability at remote locations that have unreliable connectivity or limited bandwidth. This protects against disruptions from network outages, enhancing the overall availability and performance of an organization's data. For example, if the WAN goes down or the on-premises storage becomes unavailable, user at the affected location maintain seamless access to their files.

Egnyte Whitepaper, page 5. Egnyte Whitepaper is attached as Exhibit 2.



Folder contents accessible offline

All files in the folder will occupy disk space on your computer. It will automatically sync with the cloud. It will be available offline and work faster.



<https://www.egnyte.com/file-access/desktop-access> (screen shots from video last visited December 16, 2021)

23. Files may also be updated using the Egnyte File System API:

### File System API

The File System API allows you to perform the normal file system actions: create, update, move, copy, delete, download, and list information about files and folders. Since most use cases involve some basic file system operation, this is one of our core APIs.

### UPLOAD A FILE

Creates or updates a file.

By Path

POST

/pubapi/v1/fs-content/{Full Path to File}

Request Headers

Parameter	Description	Required	Possible Values
X-Sha512-Checksum	SHA512 hash of entire file that can be used for validating upload integrity.	No	6cb2785692b05c5eff397109457031bde7ab236982364cc7b51e319c67c463d7721c82c024ef3f74b9dff d388be6dc8120edc214e7d0eadaaf2c5e0eb44845a3
Last-Modified	Indicates last modified date for file. If omitted, the current time will be used as the last modified date.	No	Timestamp e.g. Sun, 26 Aug 2012 03:55:29 GMT

Method-specific Response Codes

Error Code	Error Message	HTTP Code	Troubleshooting
Bad Request	This request is invalid.	400	Missing parameters, file filtered out (e.g. .tmp file), or file is too large (larger than plan limit)

Request Examples

HTTP

cURL

```

POST /pubapi/v1/fs-content/Shared/Documents/test.txt HTTP/1.1
Host: apidemo.egnyte.com
Authorization: Bearer 68zc95e3xv954u6k3hbnma3q
Content-Disposition: form-data; name="file"; filename("~/Desktop/test.txt")
Content-Type: text/plain
  
```

[https://developers.egnyte.com/docs/read/File\\_System\\_Management\\_API\\_Documentation#Upload-a-File](https://developers.egnyte.com/docs/read/File_System_Management_API_Documentation#Upload-a-File) (last visited December 16, 2021)

24. The first electronic device (e.g., the server system running Egnyte server software) is configured to automatically transfer the modified first file copy to the third electronic device (e.g., the second client device such as a laptop or a smart phone) to replace an older version of the first file stored on the third electronic device (e.g., the second client device) with the modified first file copy having the content modified by the user. Egnyte provides the following architecture for synchronizing the files across the devices:

## Storage Sync (VMware, Hyper-V)

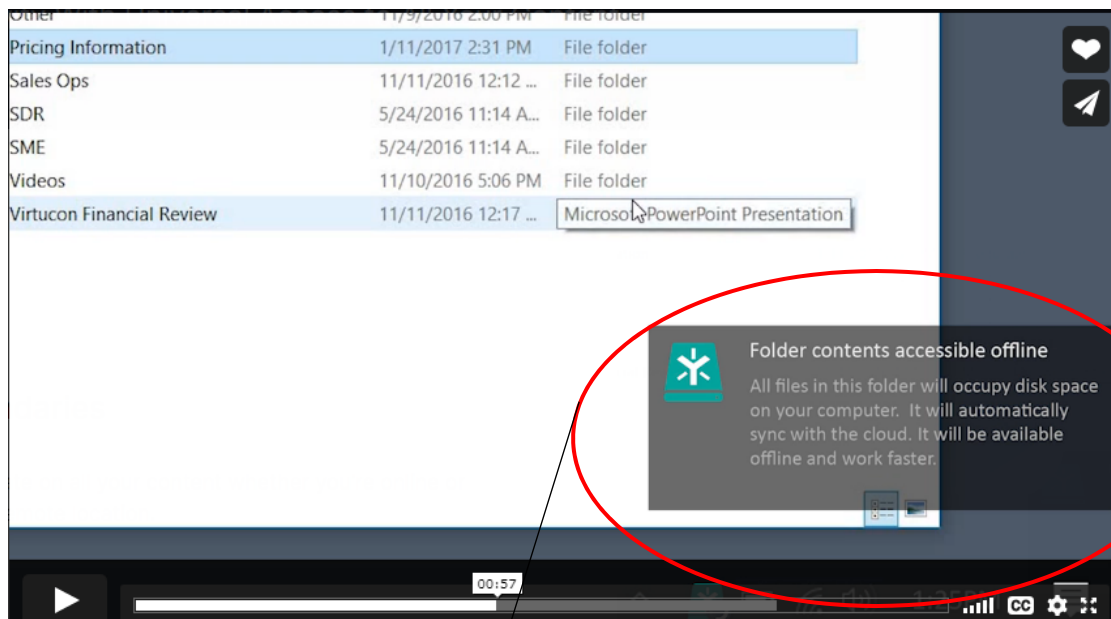
If you're already using a traditional file server in your office or want to have a local copy of your data, Egnyte provides Storage Sync. Storage Sync bi-directionally syncs company files between your office file server and the cloud so you can access files on the server quickly when you're working in the office, or retrieve them from the cloud when you're out of the office.

<https://helpdesk.egnyte.com/hc/en-us/articles/201637184-Ways-to-Upload-Files#ed> (last visited December 16, 2021)

## Secure Hybrid File Storage

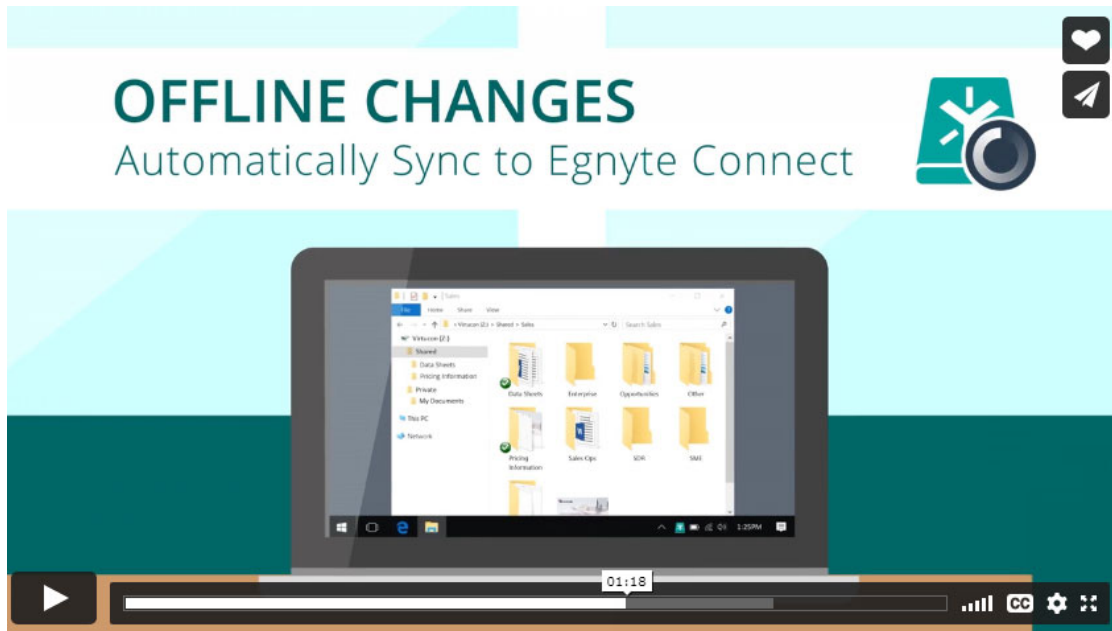
Egnyte Connect provides the flexibility to deploy a solution that automatically syncs files stored in the cloud with multiple on-premises locations to ensure users always have access to the latest documents, wherever they are located. In addition, Egnyte can synchronize content between sites to improve availability at remote locations that have unreliable connectivity or limited bandwidth. This protects against disruptions from network outages, enhancing the overall availability and performance of an organization's data. For example, if the WAN goes down or the on-premises storage becomes unavailable, user at the affected location maintain seamless access to their files.

Egnyte Whitepaper, page 5. Egnyte Whitepaper is attached as Exhibit 2.



Folder contents accessible offline

All files in the folder will occupy disk space on your computer. It will automatically sync with the cloud. It will be available offline and work faster.



<https://www.egnyte.com/file-access/desktop-access>: (screen shots from video last visited December 16, 2021)

25. The second application (e.g., Egnyte software application running on the first client device) automatically transfers the copy of the modified first file to the first electronic device (e.g., the server system) upon determining that a save operation has been performed on the modified first electronic file.
26. The first electronic device (e.g., the server system) is further configured to receive from a third application (e.g., Egnyte Connect) executable on the third electronic device (e.g., the second client device) a copy of a second file automatically transferred from the third application when the user modifies a content of the second electronic file, and automatically transfer the modified second file copy to the second electronic device (e.g., the first client device) to replace an older version of

the second file stored on the second electronic device with the modified second electronic file copy having the content modified by the user.

27. On information and belief, on or about June 21 2019, Egnyte was notified by letter of counsel's belief that Egnyte Connect infringed at least the identified claims of U.S. Patent Nos. 9,143,561, 10,067,942, and 10,289,607.
28. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '561 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Egnyte products and services interact with Egnyte's servers to perform file sync operations.
29. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '561 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Egnyte products and services in the United States to its customers and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '561 Patent and knowledge that its acts are encouraging infringement.
30. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '561 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '561 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '561 Patent

directly and/or indirectly in violation of 35 U.S.C. § 271.

**COUNT TWO**  
**INFRINGEMENT OF U.S. PATENT NO. 10,067,942**

31. Plaintiff incorporates paragraphs 1 through 30 as though fully set forth herein.
32. Plaintiff is the owner, by assignment of U.S. Patent No. 10,067,942 (the “’942 Patent”), entitled “Architecture For Management of Digital Files Across Distributed Network,” issued on September 4, 2018. A copy of the ’942 Patent is attached as Exhibit 3.
33. The ’942 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices based on a communication state of the other devices.
34. Plaintiff is the owner by assignment of all rights, title, and interest in and to the ’942 Patent, including the right to assert all causes of action arising under the ’942 Patent and the right to all remedies for the infringement of the ’942 Patent.
35. For example, claim 1 of the ’942 Patent states:
1. A system, comprising:  
  
a first electronic device, associated with a user, configured to:  
  
receive, via a first application at the first electronic device, a copy of a modified  
  
first electronic file from a second application at a second electronic device  
  
associated with the user, wherein the modified first electronic file copy is  
  
automatically received from the second application responsive to the user  
  
modifying a content of the first electronic file;  
  
determine whether the first electronic device is in communication with a third  
  
electronic device;

automatically send, via the first application, the modified first electronic file copy to a third application at the third electronic device responsive to the determination that the first electronic device is in communication with the third electronic device and responsive to receiving the modified first electronic file copy from the second electronic device;

receive, via the first application, a copy of a modified second electronic file from the third application at the third electronic device associated with the user, wherein the modified second electronic file copy is automatically received from the third application responsive to the user modifying a content of the second electronic file;

determine whether the first electronic device is in communication with the second electronic device; and

automatically send, via the first application, the modified second electronic file copy to the second application at the second electronic device responsive to the determination that the first electronic device is in communication with the second electronic device and responsive to receiving the modified second electronic file copy from the third electronic device,

wherein, responsive to sending the modified first electronic file copy to the third electronic device, an older version of the first electronic file stored on the third electronic device is automatically caused to be replaced with the modified first electronic file copy such that the modified first electronic file copy is stored on the third electronic device in lieu of the older version of the first electronic file, and



wherein, responsive to sending the modified second electronic file copy to the second electronic device, an older version of the second electronic file stored on the second electronic device is automatically caused to be replaced with the modified second electronic file copy such that the modified second electronic file copy is stored on the second electronic device in lieu of the older version of the second electronic file.

36. In addition to the description in paragraphs 15-30, Egnyte's products and services include systems and methods for sharing electronic files between multiple client devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices based on a communication state of the other devices.
37. The first electronic device (e.g., the server system) is configured to determine whether the first electronic device is in communication with a third electronic device (e.g., the second client device such as a laptop or a smart phone). Egnyte's server and client software will determine that the server is in contact with a client. Egnyte determines if a device is online:

## Collaborate when online or offline

No matter if you have Internet connectivity or not, you have access to your content.

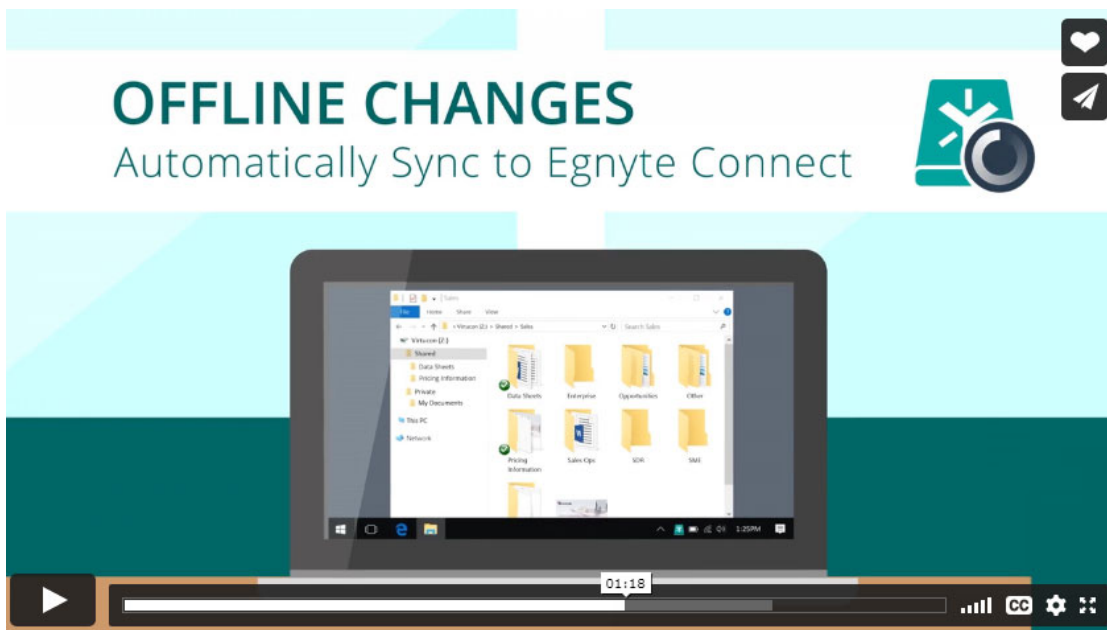
When you're online, it's business as usual, and you can share, edit, and collaborate on all your content.

When you're offline, the content that you marked for offline access will be on your desktop. Any file changes will automatically sync to the cloud when you're back online.

If your computer is ever lost, stolen or damaged, or if you want to work on files from your home computer, no worries. Simply make sure that your content is also backed-up in the cloud with Egnyte.

<https://www.egnyte.com/file-access/desktop-access> (last visited December 16, 2021)

38. The first electronic device (e.g., the server system) is configured to automatically send, via the first application (e.g., application running on the server system), the modified first electronic file copy to a third application at the third electronic device (e.g., the second client device) responsive to the determination that the first electronic device is in communication with the third electronic device and responsive to receiving the modified first electronic file copy from the second electronic device (e.g., the first client device). Egnyte's server system will automatically send the modified file copy to the client device responsive to the determination that the client device is connected to the Egnyte server system and responsive to changes to the file in another client device:



<https://www.egnyte.com/file-access/desktop-access>: (screen shots from video last visited December 16, 2021)

## Sync for Offline Access with the Desktop App

The Egnyte Desktop App includes a feature that allows users to sync selected folders for offline access, so they can always access pertinent information. A copy of these files are stored locally on your device, and any changes you make while offline are automatically synced back to the cloud once you re-establish an internet connection.

Follow

<https://helpdesk.egnyte.com/hc/en-us/articles/115000087212> (last visited December 16, 2021)

39. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '942 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority.
40. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '942 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Egnyte products and services in the United States to its customers and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '942 Patent and

knowledge that its acts are encouraging infringement.

41. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '942 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '942 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '942 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

**COUNT THREE**  
**INFRINGEMENT OF U.S. PATENT NO. 10,289,607**

42. Plaintiff incorporates paragraphs 1 through 41 as though fully set forth herein.

43. Plaintiff is the owner, by assignment of U.S. Patent No. 10,289,607 (the "'607 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network" issued on May 14, 2019. A copy of the '607 Patent is attached as Exhibit 4.

44. The '607 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices, and wherein metadata associated with the modified electronic file is assigned a greater priority than the copy of the modified electronic file, and the metadata is automatically transferred to the other devices prior to the copy of the modified electronic file.

45. Plaintiff is the owner by assignment of all rights, title, and interest in and to the '607 Patent, including the right to assert all causes of action arising under the '607 Patent and the right to all remedies for the infringement of the '607 Patent.

46. For example, claim 1 of the '607 Patent states:

1. A system, comprising:

server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being a version of the first file that is generated from the user modifying the content of the first file;

receive, from the first client device, first metadata associated with the version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file;

determine that the server system is not in communication with a second client device associated with the user;

store the copy of the first file on the server system;

automatically transfer the first metadata to the second client device based on the first priority being greater than the second priority such that the first metadata is transferred to the second client device prior to the copy of the first file being transferred to the second client device; and

automatically transfer, over a network, the copy of the first file to the second client device associated with the user to replace an older version of the first file stored on the second client device, responsive to (i) resuming communication

with the second client device and (ii) receiving the copy of the first file from the first client device.

47. In addition to the description in paragraphs 36-41, Egnyte products and services include systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices, and wherein metadata associated with the modified electronic file is assigned a greater priority than the copy of the modified electronic file, and the metadata is automatically transferred to the other devices prior to the copy of the modified electronic file.

48. Egnyte tracks and stores multiple types of metadata associated with stored files:

## Metadata API

The Metadata API allows you to define custom metadata fields and then use those fields to set values on files, file versions, and folders. Metadata fields (keys) are grouped together in namespaces.

Namespaces can be either private or public. Private namespaces are only visible to the application that created them (i.e. only when accessing with the same Public API key). Public namespaces are visible to any application and are also visible within the Web UI.

## CREATE NAMESPACE

This endpoint is used to create a namespace of custom metadata fields for a domain.

POST

/pubapi/v1/properties/namespace

Request Parameters			
Parameter	Description	Required	Possible Values
name	What you call the namespace	Yes	string
displayName	The name to identify the namespace in the UI	No	string
scope	Who can see and modify the namespace	Yes	public, private
keys	The custom metadata key(s) you are creating	Yes	JSON object (see create metadata key endpoint for fields)
type	Specifies the data type for a key.	Yes	integer, string, decimal, date (Unix epoch time), enum
priority	Specifies the priority (order) for the keys. The keys will be displayed in accordance with their priorities in descending order (keys with higher priority will be displayed first).  <u>Note:</u> if priorities of two (or more) keys are the same, the keys will be displayed one after another in an arbitrary order.	No	integer value 0, 1, 2, 3, ...
data	For a key of enum type, specifies the enumerated values.	Only required for enum	E.g. ["red", "green", "blue"]
helpText	Instructional text that is displayed when a user is adding/editing a property to give context as to the property's purpose	No	string

[https://developers.egnyte.com/docs/Metadata\\_API](https://developers.egnyte.com/docs/Metadata_API) (last visited December 16, 2021)

49. When a file is modified, the file's metadata is uploaded to Egnyte's servers with a higher priority than the file contents. This is demonstrated by the following download mechanism used by Egnyte Connect's public API:

## DOWNLOAD FILE

Downloads a file. This method also supports range downloads, which we recommend implementing as a best practice.

By Path

By ID

GET

/pubapi/v1/fs-content/{Full Path to File}

### Method-specific Request Header

Parameter	Description	Required	Possible Values
Range	The range of bytes to download. Best practice for downloading files, especially for large files (over 1GB), unstable internet connections, and faster download speeds since sections of the file are downloaded in parallel.	No	bytes={byte range} e.g. 0-999 will download first thousand bytes. For more information about byte ranges see section 14.36.1 of RFC 2068.

### Request Parameters

Parameter	Description	Required	Possible Values
entry_id	Specifies the entry ID of the file version to download. Entry IDs are shown in the detail listing for a file.	No	Entry id for a specific version of the desired file

### Method-specific Response Headers

Header	Description	Sample Value
X-Sha512-Checksum	SHA512 hash of entire file that can be used for validating upload integrity.	6cb2785692b05c5eff397109457031bde7ab236982364cc7b51e319c67c463d7721c82c024ef3f74b9dff d388be6dc8120edc214e7d0eadaaf2c5e0eb44845a3
Last-Modified	Indicates last modified date for file.	Sun, 26 Aug 2012 03:55:29 GMT
ETag	Current value of the entity tag that can be used to compare whether two versions of a resource are the same.	9c4c2443-5dbc-4afa-8d04-5620a778093c
Content-Type	Specifies format of response body	text/plain; charset=UTF-8
Content-Length	Specifies length of response body	126

### Method-specific Response Codes

Error Code	Error Message	HTTP Code	Troubleshooting
Bad Request	This request is invalid.	400	File is larger than what is allowed for this account



[https://developers.egnyte.com/docs/File\\_System\\_Management\\_API\\_Documentation#Download-File](https://developers.egnyte.com/docs/File_System_Management_API_Documentation#Download-File) (last visited December 16, 2021)

## LIST FILE OR FOLDER

List information about a file or folder (including folder contents).

By Path

By ID

GET

/pubapi/v1/fs/{Full Path to File/Folder}

### Query String Parameters

These parameters can be used to paginate a folder list, sort by intrinsic and custom metadata fields, and fetch metadata values for each item in the folder. For more information on custom metadata, please refer to the [Metadata API](#).

Parameter	Description	Required	Possible Values
list_content	For folders, this option determines whether the contents of the folder (files and subfolders) are included in the response. For files, when true, this will return a list of all of the versions of the file.	No	true or false
allowed_link_types	If true, then show allowed_file_link_types, allowed_folder_link_types fields, and allow_upload_links fields.	No	true or false
count	The maximum number of items to return	No	Any possible integer
offset	The zero-based index from which to start returning items. This is used for paginating the folder listing.	No	Zero or any positive integer
sort_by	The field that should be used for sorting	No	name or last_modified or uploaded_by or custom_metadata
key	The custom metadata field to sort by	Only when sort_by is set to custom_metadata	The metadata field in the format: namespace.key
sort_direction	The direction of the sort	No	ascending or descending
perms	If true, the response includes a permissions key for the folder that lists the different users and groups who have permissions along with their permission level	No	true or false

include_perm	If true, the response returns the current user's permission level on the folder and subfolders	No	true or false
list_custom_metadata	Whether custom metadata for each item should be returned	No	true or false
include_locks	If true, the response returns the information about the user who locked the file	No	true or false
include_collaboration	If true, the response returns the information about the app and integration that should be used for collaboration. To take effect this requires that <code>include_locks=true</code> is set.	No	true or false

#### Sample Request and Response for a Folder

#### Sample Request and Response for a File

##### Sample cURL Call (For a Folder)

```
curl -v -H "Authorization: Bearer 2v8q2bc6uvxtgghwmwvncp4" \
https://apidemo.egnyte.com/pubapi/v1/fs/Shared/MyDocuments/MyFolder
```

##### Sample Response Body (For a Folder Resource as described above)

```
{
  "name": "MyFolder",
  "lastModified": 1554182069000,
  "uploaded": 1554178564015,
  "count": 0,
  "offset": 0,
  "path": "/Shared/MyDocuments/MyFolder",
  "folder_id": "d7d56ebc-ce31-4ba8-a6b3-292ffb43f215",
  "parent_id": "b0sceebe-2ed1-ab56-lapq-fb11def11123",
  "total_count": 2,
  "is_folder": true,
  "public_links": "files_folders",
  "allow_links": true,
  "restrict_move_delete": false,
  "folders": [
    {
      "name": "subfolder1",
      "lastModified": 1554185307000,
      "uploaded": 1554185307326,
      "path": "/Shared/MyDocuments/MyFolder/subfolder1",
      "folder_id": "fc8cf940-1097-491e-bb9d-b55b5797331c",
      "is_folder": true,
      "parent_id": "d7d56ebc-ce31-4ba8-a6b3-292ffb43f215"
    }
  ]
}
```

```

    ],
    "files": [
      {
        "checksum": "244b99790dcc91ebc5862eb547c8179515b2369bb6db5aaa1ddd46bf0035e7ba3849ba1494b2",
        "size": 238428,
        "path": "/Shared/MyDocuments/MyFolder/info.pdf",
        "name": "info.pdf",
        "locked": false,
        "is_folder": false,
        "entry_id": "b563a343-184b-4bce-8331-25d2dfb8125a",
        "group_id": "01dd4abd-983b-4104-bff6-e2ad44bff357",
        "parent_id": "d7d56ebc-ce31-4ba8-a6b3-292ffb43f215",
        "last_modified": "Tue, 02 Apr 2019 05:12:44 GMT",
        "uploaded_by": "jsmith",
        "uploaded": 1554182069464,
        "num_versions": 1
      },
      {
        "checksum": "7b275cfc0650d8cdfae4e11a4d149ce72fd65654e9aa56ec475eb51cbad898bbd0413edd7e49",
        "size": 9322,
        "path": "/Shared/MyDocuments/MyFolder/document.gdoc",
        "name": "document.gdoc",
        "locked": true,
        "is_folder": false,
        "entry_id": "d32d4628-5346-44ce-8ae6-bce367e84e60",
        "group_id": "7de6cdd8-2038-4a09-8935-9d07cf62197f",
        "parent_id": "1d12e243-0ddb-432f-820d-8b250c0c0fdc",
        "last_modified": "Mon, 23 Nov 2020 11:07:11 GMT",
        "uploaded_by": "jsmith",
        "uploaded": 1606129632000,
        "num_versions": 3,
        "lock_info": {
          "collaboration": "ewogICJhcHBjZCIG0iAiZ2RvY3MiLAogICJpbmRlZ3JhdGlvbk1kIiA6ICJnZG9jR",
          "owner_id": 1,
          "first_name": "John",
          "last_name": "Smith"
        }
      }
    ]
  }
}

```

[https://developers.egnyte.com/docs/File\\_System\\_Management\\_API\\_Documentation#List-file-or-Folder](https://developers.egnyte.com/docs/File_System_Management_API_Documentation#List-file-or-Folder) (last visited December 16, 2021)

50. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '607 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority.
51. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '607 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Egnyte products and services in the United States to its customers

and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '607 Patent and knowledge that its acts are encouraging infringement.

52. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '607 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '607 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '607 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

**COUNT FOUR**  
**INFRINGEMENT OF U.S. PATENT NO. 10,642,787**

53. Plaintiff incorporates paragraphs 1 through 52 as though fully set forth herein.

54. Plaintiff is the owner, by assignment of U.S. Patent No. 10,642,787 (the "'787 Patent"), entitled "Pre-file-transfer update based on prioritized metadata" issued on May 5, 2020. A copy of the '787 Patent is attached as Exhibit 5.

55. The '787 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is automatically transferred to other devices with higher priority before a copy of the modified electronic file is transferred to the other devices, which causes a user interface of the other devices to indicate the updated version of the modified electronic file.

56. Plaintiff is the owner by assignment of all rights, title, and interest in and to the '787 Patent, including the right to assert all causes of action arising under the '787 Patent and the right to all remedies for the infringement of the '787 Patent.

57. For example, claim 1 of the '787 Patent states:

2. A system comprising:

a server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being an updated version of the first file that is generated from the user modifying the content of the first file;

receive, over a network, from the first client device, first metadata associated with the updated version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file; and

automatically transfer, based on the first priority being greater than the second priority, the first metadata over a network to a second client device associated with the user such that the first metadata is transferred to the second client device before the copy of the first file is transferred to the second client device,

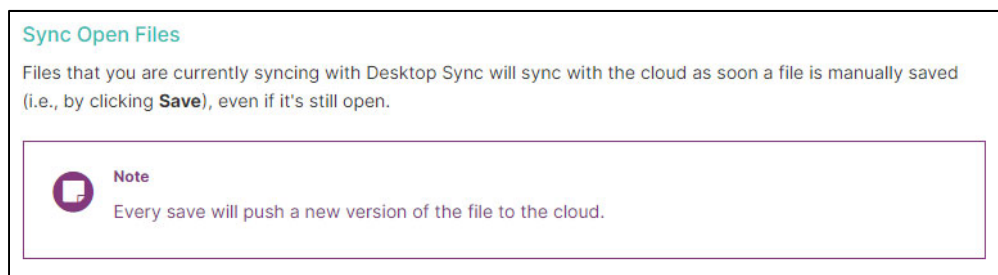
wherein, before the copy of the first file is transferred to the second client device:

(i) the transfer of the first metadata to the second client device causes a file representation of the first file presented on a user interface of the second client device to be updated based on the first metadata, and

(ii) instead of the updated file representation of the first file representing a version of the first file currently stored on the second client device, the updated file representation represents the updated version of the first file that is currently stored on the first client device and not currently stored on the second client device, and

wherein at least one of the server system or the first client device comprises a priority assignment configuration to assign greater priority to metadata associated with files than priority assigned to the files such that at least one of the server system or the first client device assigns the first priority to the first metadata and the second priority to the copy of the first file based on the priority assignment configuration.

58. In addition to the description in paragraphs 47-52, when a file is modified at one of linked devices, Egnyte's server systems automatically receive an updated version of the modified file and the metadata associated with the modified file. Egnyte's Sync feature automatically sync the modified file across multiple devices whenever the file is saved:



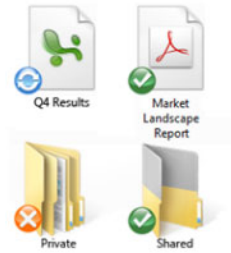
[https://helpdesk.egnyte.com/hc/en-us/articles/201636624-Desktop-Sync-Overview#h\\_b9e9f268-0283-424b-889c-d03d7e0caf86](https://helpdesk.egnyte.com/hc/en-us/articles/201636624-Desktop-Sync-Overview#h_b9e9f268-0283-424b-889c-d03d7e0caf86) (last visited December 16, 2021).

59. Based on the metadata received with higher priority, Egnyte's file or folder icons can first notify the status of sync progress prior to the transfer of the modified file:

### Visual Indicators for Sync Progress

The sync status of files and folders can be tracked by viewing the status indicator on each file. A file that has synchronized successfully will display a green checkmark against it. If there is a problem with synchronizing a file, Egnyte will display a red X against the file. Reasons for sync failure are displayed in the sync logs.

Folder icons convey whether the entire folder is selected for sync or only some sub-folders within that folder have been selected for sync. If you see a folder that is partially grayed-out, such as the Shared folder to the right, this means that only some of the sub-folders are being synced.



[https://helpdesk.egnyte.com/hc/en-us/articles/201636624-Desktop-Sync-Overview#h\\_b9e9f268-0283-424b-889c-d03d7e0caf86](https://helpdesk.egnyte.com/hc/en-us/articles/201636624-Desktop-Sync-Overview#h_b9e9f268-0283-424b-889c-d03d7e0caf86) (last visited December 16, 2021).

60. When the modified file is uploaded to the Egnyte's server systems, Egnyte's server systems first receives the metadata associated with the modified file and transfers, prior to the transfer of the modified file, to the other linked devices.

### UPLOAD A FILE

Creates or updates a file.

*When uploading files larger than 100 MB, consider using the Chunked Upload flow.*

By Path

POST

/pubapi/v1/fs-content/{Full Path to File}

Request Headers

Parameter	Description	Required	Possible Values
X-Sha512-Checksum	SHA512 hash of entire file that can be used for validating upload integrity.	No	6cb2785692b05c5eff397109457031bde7ab236982364cc7b51e319c67c463d7721c82c024ef3f74b9dff d388be6dc8120edc214e7d0eadaaf2c5e0eb44845a3
Last-Modified	Indicates last modified date for file. If omitted, the current time will be used as the last modified date.	No	Timestamp e.g. Sun, 26 Aug 2012 03:55:29 GMT

Request Examples

HTTP cURL

```
POST /pubapi/v1/fs-content/Shared/Documents/test.txt HTTP/1.1
Host: apidemo.egnyte.com
Authorization: Bearer 68zc95e3xv954u6k3hbnma3q
Content-Disposition: form-data; name="file"; filename="~/Desktop/test.txt"
Content-Type: text/plain
```

[https://developers.egnyte.com/docs/File\\_System\\_Management\\_API\\_Documentation#Upload-a-File](https://developers.egnyte.com/docs/File_System_Management_API_Documentation#Upload-a-File) (last visited December 16, 2021).

## CHUNKED UPLOAD

The chunked upload flow provides a mechanism to upload large files. Though not a firmly enforced requirement, we recommend using this flow for files larger than 100 MB. To upload files of smaller sizes, you can use the [simpler upload flow](#).

By Path By ID

POST /pubapi/v1/fs-content/{Full Path to File}

Chunked Upload process:

1. Split file into chunks—recommended size is 104857600 bytes (100 MB) each. The minimum chunk size is 10485760 (10 MB). The maximum chunk size is 1073741824 bytes (1GB). All chunks should be the same size, except for the last chunk which can be any size.
2. Start the process by uploading the first chunk. Save the X-Egnyte-Upload-Id header received in the response. Use the X-Egnyte-Chunk-Sha512-Checksum SHA512 hash in the response to confirm that each chunk was uploaded cleanly.
3. Upload the rest of the chunks except the final one in any order. Use the X-Egnyte-Upload-Id identifier and X-Egnyte-Chunk-Num sequence numbers to uniquely identify each chunk. Upload chunks in parallel to get maximum throughput.
4. When uploading the final chunk, indicate this by including the header "X-Egnyte-Last-Chunk: true"
5. Chunks remain available for a period of 24 hours after the first chunk is uploaded.

Sample API Calls:

POST /pubapi/v1/fs-content-chunked/Shared/Documents/movie.mpeg

[https://developers.egnyte.com/docs/File\\_System\\_Management\\_API\\_Documentation#Chunked-Upload](https://developers.egnyte.com/docs/File_System_Management_API_Documentation#Chunked-Upload) (last visited December 16, 2021).



## DOWNLOAD FILE

Downloads a file. This method also supports range downloads, which we recommend implementing as a best practice.

By Path

By ID

GET

/pubapi/v1/fs-content/{Full Path to File}

### Method-specific Request Header

Parameter	Description	Required	Possible Values
Range	The range of bytes to download. Best practice for downloading files, especially for large files (over 1GB), unstable internet connections, and faster download speeds since sections of the file are downloaded in parallel.	No	bytes={byte range} e.g. 0-999 will download first thousand bytes. For more information about byte ranges see section 14.36.1 of RFC 2068.

### Request Parameters

Parameter	Description	Required	Possible Values
entry_id	Specifies the entry ID of the file version to download. Entry IDs are shown in the detail listing for a file.	No	Entry id for a specific version of the desired file

### Method-specific Response Headers

Header	Description	Sample Value
X-Sha512-Checksum	SHA512 hash of entire file that can be used for validating upload integrity.	6cb2785692b05c5eff397109457031bde7ab236982364cc7b51e319c67c463d7721c82c024ef3f74b9dff d388be6dc8120edc214e7d0eadaaf2c5e0eb44845a3
Last-Modified	Indicates last modified date for file.	Sun, 26 Aug 2012 03:55:29 GMT
ETag	Current value of the entity tag that can be used to compare whether two versions of a resource are the same.	9c4c2443-5dbc-4afa-8d04-5620a778093c
Content-Type	Specifies format of response body	text/plain;charset=UTF-8
Content-Length	Specifies length of response body	126

## LIST FILE OR FOLDER

List information about a file or folder (including folder contents).

/pubapi/v1/fs/{Full Path to File/Folder}

Query String Parameters

These parameters can be used to paginate a folder list, sort by intrinsic and custom metadata fields, and fetch metadata values for each item in the folder. For more information on custom metadata, please refer to the [Metadata API](#).

[https://developers.egnyte.com/docs/File\\_System\\_Management\\_API\\_Documentation#Download-File](https://developers.egnyte.com/docs/File_System_Management_API_Documentation#Download-File) (last visited December 16, 2021).

## Metadata API

The Metadata API allows you to define custom metadata fields and then use those fields to set values on files, file versions, and folders. Metadata fields (keys) are grouped together in namespaces.

Namespaces can be either private or public. Private namespaces are only visible to the application that created them (i.e. only when accessing with the same Public API key). Public namespaces are visible to any application and are also visible within the Web UI.

Common HTTP Headers

Header	Description	Value
Content-Type	Specifies the format of the request body	application/json
Authorization	Requires the OAuth token you obtained through the OAuth flow	Bearer {OAuth token}

Error	Description
200	Successful operation
403	User is not authorized
404	Item not found

### GET ALL NAMESPACES

This endpoint is used to list all custom metadata namespaces in the domain.

GET

/pubapi/v1/properties/namespace

### CREATE NAMESPACE

This endpoint is used to create a namespace of custom metadata fields for a domain.

POST

/pubapi/v1/properties/namespace

[https://developers.egnyte.com/docs/read/Metadata\\_API](https://developers.egnyte.com/docs/read/Metadata_API) (last visited December 16, 2021).

61. As described in paragraphs 48-49, Egnyte's server system has a configuration to assign greater priority to metadata than priority assigned to the files. Egnyte's notification system enforces a priority system where changes to file metadata are propagated faster than, and downloaded by other client devices before, changes to file content.
62. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '787 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Egnyte products and services interact with Egnyte servers to perform file sync operations.
63. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '787 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Egnyte products and services in the United States to its customers and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '787 Patent and

knowledge that its acts are encouraging infringement.

64. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '787 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '787 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '787 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

### **COUNT FIVE**

#### **INFRINGEMENT OF U.S. PATENT NO. 10,754,823**

65. Plaintiff incorporates paragraphs 1 through 64 as though fully set forth herein.

66. Plaintiff is the owner, by assignment of U.S. Patent No. 10,754,823 (the "'823 Patent"), entitled "Pre-file-transfer availability indication based on prioritized metadata" issued on August 25, 2020. A copy of the '823 Patent is attached as Exhibit 6.

67. The '823 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is automatically transferred to other devices with higher priority, which causes a graphical availability indication of the updated version of the modified electronic file to be presented on the other devices, and subsequently the copy of the modified electronic file is transferred to the other devices.

68. Plaintiff is the owner by assignment of all rights, title, and interest in and to the '823 Patent, including the right to assert all causes of action arising under the '823 Patent and the right to all remedies for the infringement of the '823 Patent.

69. For example, claim 1 of the '823 Patent states:

1. A system comprising:

a server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being an updated version of the first file that is generated from the user modifying the content of the first file;

receive, over a network, from the first client device, first metadata associated with the updated version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file;

automatically transfer, based on the first priority being greater than the second priority, the first metadata over a network to a second client device associated with the user such that the first metadata is transferred to the second client device before the copy of the first file is transferred to the second client device,

wherein, before the copy of the first file is transferred to the second client device:

(i) the transfer of the first metadata to the second client device causes a graphical availability indication of the updated version of the first file to be presented at the second client device based on the first metadata, and

(ii) the graphical availability indication is presented proximate a file icon representing the first file on a user interface of the second client device, and wherein the graphical availability indication indicates that the updated version of the first file generated from the user modifying the content of the first file is available to be downloaded from the server system to the second client device; and subsequent to the transfer of the first metadata to the second client device, transfer the copy of the first file to the second client device, wherein at least one of the server system or the first client device comprises a priority assignment configuration to assign greater priority to metadata associated with files than priority assigned to the files such that at least one of the server system or the first client device assigns the first priority to the first metadata and the second priority to the copy of the first file based on the priority assignment configuration.

70. In addition to the description in paragraphs 58-64, based on the metadata downloaded from Egnyte's servers to a linked device, and prior to receiving the modified file, graphical availability indications are presented proximate to file icons on Egnyte user interface of the linked device. The graphical availability indications indicate that the updated version is available to be downloaded from the Egnyte's server system to the linked device.

71. Subsequent to the metadata transfer, and in response to a page refresh, Egnyte's server systems transfer the modified file to the linked device.

72. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '823 Patent under 35 U.S.C. § 271(a)

by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Egnyte products and services interact with Egnyte servers to perform file sync operations.

73. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '823 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Egnyte products and services in the United States to its customers and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '823 Patent and knowledge that its acts are encouraging infringement.

74. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '823 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '823 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '823 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

### **COUNT SIX**

#### **INFRINGEMENT OF U.S. PATENT NO. 11,003,622**

75. Plaintiff incorporates paragraphs 1 through 74 as though fully set forth herein.

76. Plaintiff is the owner, by assignment of U.S. Patent No. 11,003,622 (the "'622 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network" issued on May 11, 2021. A copy of the '622 Patent is attached as Exhibit 7.

77. The '622 Patent is generally directed to systems and methods for sharing electronic files between

multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is first automatically transferred to other devices with higher priority and a copy of the modified file is automatically transferred to the other devices to replace an older version of the electronic file stored on the other devices.

78. Plaintiff is the owner by assignment of all rights, title, and interest in and to the '622 Patent, including the right to assert all causes of action arising under the '622 Patent and the right to all remedies for the infringement of the '622 Patent.

79. For example, claim 1 of the '622 Patent states:

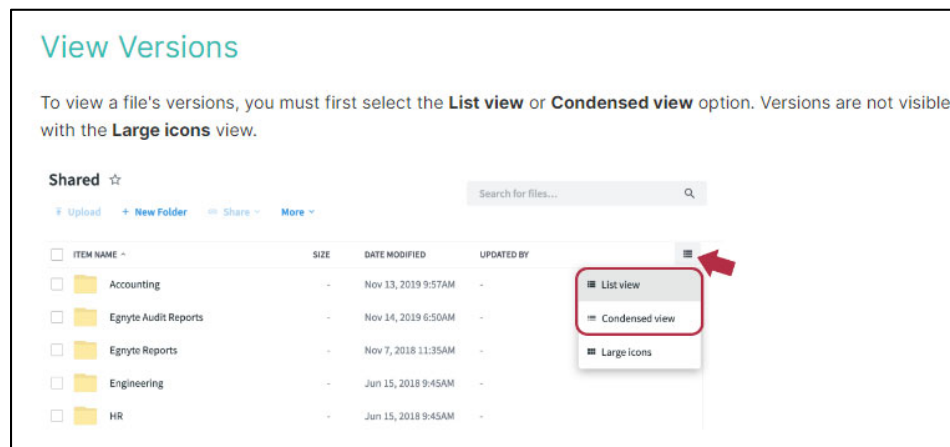
1. A system comprising:  
a server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:  
receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being a version of the first file that is generated from the user modifying the content of the first file;  
store the copy of the first file on the server system;  
receive, from the first client device, first metadata associated with the version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file;

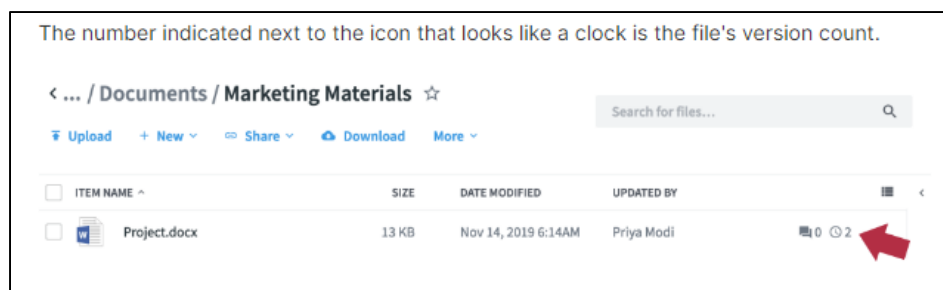


automatically transfer, based on the first priority being greater than the second priority, the first metadata to the second client device such that the first metadata is transferred to the second client device prior to the copy of the first file being transferred to the second client device; and

automatically transfer, over a network, the copy of the first file to the second client device associated with the user to replace an older version of the first file stored on the second client device, responsive to receiving the copy of the first file from the first client device.

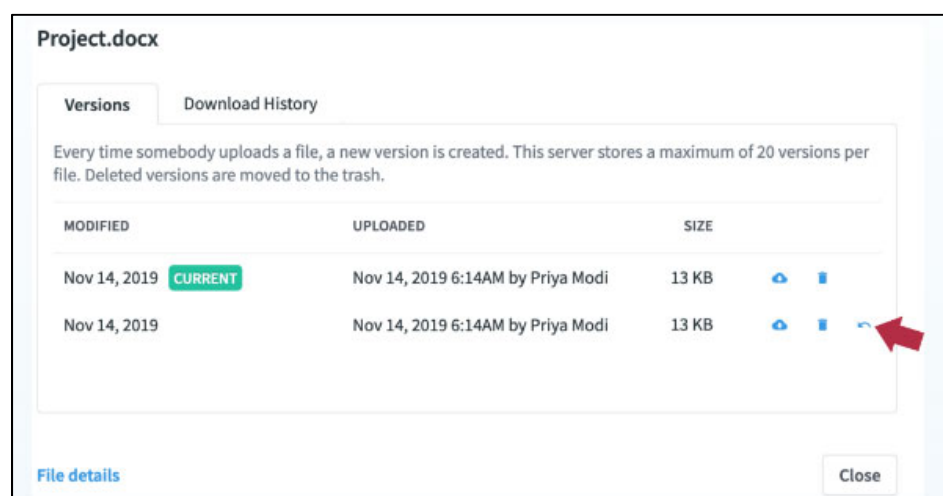
80. In addition to the description in paragraphs 70-71, Egnyte's server systems keep track of file versions when the file is modified and synced. In response to the Egnyte page being refreshed and the updated version being downloaded, Egnyte's server systems display the version number of the modified file indicating the updated version. Egnyte overwrites the old version with the new version:





<https://helpdesk.egnyte.com/hc/en-us/articles/360024950972-File-Versions> (last visited December 16, 2021)

81. The file's version history can be viewed by clicking the version icon:



<https://helpdesk.egnyte.com/hc/en-us/articles/360024950972-File-Versions> (last visited December 16, 2021)

82. On information and belief, Egnyte has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '622 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Egnyte products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Egnyte products and services interact with Egnyte servers to perform file sync operations.

83. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '622 Patent under 35 U.S.C. § 271(b) based on its active

marketing and promotion of its Egnyte products and services in the United States to its customers and prospective customers. On information and belief Egnyte has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '622 Patent and knowledge that its acts are encouraging infringement.

84. On information and belief, Egnyte is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '622 Patent under 35 U.S.C. § 271(c), because Egnyte has had, and continues to have, knowledge that its Egnyte products are especially developed or adapted for a use that infringes the '622 Patent and constitute a material part of the claimed systems and methods. Egnyte has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Egnyte has infringed and continues to infringe the '622 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

#### **PRAYER FOR RELIEF**

85. WHEREFORE, Plaintiff respectfully requests the Court enter judgement against the Egnyte:

- a. Declaring that the Egnyte has infringed the '561, '942, '607, '787, '823, and '622 Patents;
- b. Awarding Plaintiff its damages suffered as a result of the Egnyte's infringements of the '561, '942, '607, '787, '823, and '622 Patents, including pre-judgement and post-judgement interest and supplemental damages for any continuing post-verdict or post-judgement infringement with an accounting as needed;
- c. An order enjoining Egnyte, their officers, agents, employees, attorneys, and all other persons or entities acting in concert, participation or in privity with one or more of them, and their successors and assigns, from infringing the '561, '942, '607, '787, '823, and '622 Patents;

- d. A judgment declaring that this is an exceptional case and awarding Plaintiff's reasonable attorneys' fees and costs in this action, as provided by 35 U.S.C. § 285;
- e. A judgment, declaration or order that Defendant's infringement is willful and increasing damages under 35 U.S.C. § 284;
- f. Awarding Plaintiff its costs, attorney's fees, expenses, and interest; and
- g. Granting Plaintiff such further equitable relief which may be requested and as the Court find appropriate.

**DEMAND FOR A JURY TRIAL**

86. Plaintiff demands trial by jury on all issues so triable in this Complaint.

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Dated: December 27, 2021

/s/ Kelly E. Farnan

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