

BAKER BOTTS L.L.P.

1 **BAKER BOTTS L.L.P.**
 Wayne O. Stacy (SBN 314579)
 2 wayne.stacy@bakerbotts.com
 Sarah Guske (SBN 232467)
 3 sarah.guske@bakerbotts.com
 Jeremy J. Taylor (SBN 249075)
 4 jeremy.taylor@bakerbotts.com
BAKER BOTTS L.L.P.
 5 101 California Street, Suite 3600
 San Francisco, California 94111
 6 Telephone: (415) 291-6200
 Facsimile: (415) 291-6300

7
 8 Kurt M. Pankratz (*pro hac vice*)
 kurt.pankratz@bakerbotts.com
BAKER BOTTS L.L.P.
 9 2001 Ross Avenue
 Dallas, Texas 75201-2980
 10 Telephone: (214) 953-6584
 Facsimile: (214) 661-4584

11
 12 Jake W. Gallau (SBN 319656)
 jake.gallau@bakerbotts.com
BAKER BOTTS L.L.P.
 13 1001 Page Mill Road, Bldg. One, Suite 200
 Palo Alto, California 94304
 14 Telephone: (650) 739-7500
 Facsimile: (650) 739-7699

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 16 Attorneys for Plaintiff
 DROPBOX, INC.

17
 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 DROPBOX, INC.,

21 Plaintiff,

22 vs.

23 SYNCHRONOSS TECHNOLOGIES, INC.,

24 Defendant.

Case No.

**PLAINTIFF'S COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 **PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Dropbox, Inc. (“Dropbox” or “Plaintiff”) files this complaint for patent
3 infringement against Defendant Synchronoss Technologies, Inc. (“Synchronoss” or
4 “Defendant”) and in support thereof alleges as follows:

5 **THE PARTIES**

6 1. Dropbox, Inc. is a corporation organized under the laws of the State of Delaware,
7 with a principal place of business at 333 Brannan Street, San Francisco, California.

8 2. On information and belief, Synchronoss Technologies, Inc. is a corporation
9 organized under the laws of the State of Delaware, with a principal place of business at 200
10 Crossing Boulevard, 8th Floor, Bridgewater, New Jersey.

11 **JURISDICTION AND VENUE**

12 3. This is an action for patent infringement arising under the Patent Laws of the
13 United States of America, Title 35, United States Code.

14 4. This Court has subject-matter jurisdiction over Dropbox’s claims under 28 U.S.C.
15 §§ 1331 and 1338(a).

16 5. This Court has personal jurisdiction over Synchronoss. Synchronoss has
17 continuous and systematic business contact with the State of California and has committed acts
18 of patent infringement within the Northern District of California. For example, Synchronoss’s
19 offices are located at 60 South Market Street in San Jose, California. In addition, Synchronoss
20 regularly conducts business in California and attempts to derive benefit from residents of the
21 State of California by offering infringing products, such as the Synchronoss Personal Cloud, in
22 the Northern District of California.

23 6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).
24 Synchronoss resides in the Northern District of California, and Synchronoss has committed acts
25 of infringement in this District and has a regular and established place of business in this
26 District. Synchronoss conducts business from its permanent physical location located in the
27 Northern District of California at 60 South Market Street, San Jose, California. On information
28 and belief, at least 36 employees are employed at this Synchronoss location, including

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1 employees responsible for engineering, marketing, customer support, and product development.
2 As described herein, Synchronoss offers infringing products, including the Personal Cloud
3 product in the Northern District of California.

4 **THE PATENTS-IN-SUIT**

5 7. U.S. Patent No. 7,567,541 (“the ’541 Patent”), titled “System and Method for
6 Personal Data Backup for Mobile Customer Premises Equipment,” was issued by the United
7 States Patent and Trademark Office (“USPTO”) on Jul. 28, 2009. Dropbox is the owner by
8 assignment of the entire right, title and interest in and to the ’541 Patent, including the sole and
9 undivided right to sue for infringement. A true and correct copy of the ’541 Patent is attached
10 hereto as Exhibit A.

11 8. U.S. Patent No. 6,058,399 (“the ’399 Patent”), titled “File Upload
12 Synchronization,” was issued by the USPTO on May 2, 2000. Dropbox is the owner by
13 assignment of the entire right, title and interest in and to the ’399 Patent, including the sole and
14 undivided right to sue for infringement. A true and correct copy of the ’399 Patent is attached
15 hereto as Exhibit B.

16 9. U.S. Patent No. 6,178,505 (“the ’505 Patent”), titled “Secure Delivery of
17 Information in a Network,” was issued by the USPTO on Jan. 23, 2001. Dropbox is the owner
18 by assignment of the entire right, title and interest in and to the ’505 Patent, including the sole
19 and undivided right to sue for infringement. A true and correct copy of the ’505 Patent is
20 attached hereto as Exhibit C.

21 10. The ’541 Patent, ’399 Patent, and ’505 Patent are referred to herein collectively
22 as the Patents-in-Suit.

23 **BACKGROUND OF THE DISPUTE**

24 **Dropbox Is a Pioneer in Syncing, Sharing, and Backup of User Data**

25 11. Dropbox was founded in June 2007 by Drew Houston and Arash Ferdowsi. It
26 launched in September 2008 as a simple way for people to access their files wherever they are
27 and share them easily. The simplicity of the product combined with the reliability of the sync
28 led consumers to bring Dropbox to work to empower collaboration. Over 300,000 teams have

1 adopted Dropbox Business, and there are over 500 million registered Dropbox users around the
2 world.

3 12. Dropbox's global collaboration platform is a market leader where users create,
4 access, and share content. Underlying Dropbox's success is its tremendous investment in
5 research and development, including in the areas of data backup and transfer. Through these
6 efforts, Dropbox has obtained valuable intellectual property in these areas.

7 **Synchronoss's Infringing Cloud Products**

8 13. Synchronoss was founded in 2000 by Stephen G. Waldis but is a relative
9 newcomer to consumer cloud backup, launching its Personal Cloud product more than a decade
10 later.

11 14. Synchronoss sells its Personal Cloud product as a white-label data backup and
12 transfer solution to network operators or service providers, such as Verizon.

13 15. Synchronoss has gained momentum in the marketplace through unlawful use of
14 the technology claimed in the Patents-in-Suit.

15 16. On information and belief, Synchronoss's Cloud products, including without
16 limitation its Personal Cloud product, infringes the Patents-in-Suit, as described in more detail
17 below.

18 **PATENT INFRINGEMENT CLAIMS**

19 **Count I – Infringement of U.S. Patent No. 7,567,541**

20 17. Dropbox incorporates by reference the allegations in Paragraphs 1 through 16
21 above.

22 18. The '541 Patent was filed on April 20, 2006 and claims priority to U.S.
23 provisional application No. 60/620,543, filed October 20, 2004.

24 19. At the time that the '541 Patent was filed, several technological shortcomings
25 existed that made data backup and restoration burdensome for users of mobile customer
26 premises equipment ("CPE") such as cell phones. *See* Ex. A ('541 Patent) at 1:30–60. Those
27 shortcomings stem from the absence of a flexible system for backing up data from one device
28 such that it could later be easily transmitted back to the same or another device. Then-existing

1 methods for transferring data included manual entry of each address, contact, calendar event,
2 etc., or the transfer of data directly from one device to another using a cradle. Manual entry
3 bears the disadvantage of being extremely time intensive. *Id.* at 1:30–34. A specialized cradle,
4 meanwhile, suffers from disadvantages including data backup or transfer only occurring when
5 the user has all of the required equipment (a first device, a cradle, and, in the case of transfer, a
6 second device) at the same physical location at the same time. *Id.* at 1:42–48. Additionally, the
7 necessary cradles were not widely available, and transfers or backups usually needed to be
8 performed in-store by an authorized technician. *Id.* at 1:49–52. Other general problems, not
9 directly associated with manual entry or specialized cradles, also prevented effective data
10 backup and transfer, including device incompatibility preventing data transfer and irreparable
11 loss of data due to the destruction of a device. *Id.* at 1:49–56.

12 20. Recognizing the deficiencies associated with existing approaches to data backup
13 and transfer, the '541 Patent describes specific and discrete implementations to flexibly back up
14 data stored on customer premises equipment such as mobile phones. These methods were
15 significant improvements over prior approaches to data backup in that they provided improved
16 accessibility to users who wanted to backup or transfer data to/from their devices without
17 professional support or the need to travel to a store with the necessary specialized cradle.
18 Further, these methods and systems include a novel approach to data formatting that allows for
19 the transfer of data from a device of one make, model, and ecosystem to another device of a
20 different make, model, and ecosystem. *See, e.g., id.* at 1:56–59. This approach to formatting
21 data also allows for the backup or transfer of only certain types of data including only that data
22 that has changed since a previous data backup. *See, e.g., id.* at 2:11–33, 2:60–3:34.

23 21. The '541 Patent describes and claims a number of novel and inventive
24 approaches to data backup. These inventive approaches are captured in independent Claims 1,
25 11, 17, 21, and their respective dependent claims. The claimed approaches are tied to computers
26 and cannot be performed by a human alone. Claim 1, for example, recites “[a] method for
27 backing up data stored on a mobile customer premises equipment” comprising “storing data at
28 the mobile customer premises equipment;” “formatting the data . . . into fields by determining

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