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Attorneys for Plaintiff
DROPBOX, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DROPBOX, INC., Plaintiff, vs. SYNCHRONOSS TECHNOLOGIES, INC., 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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employees responsible for engineering, marketing, customer support, and product development. As described herein, Synchronoss offers infringing products, including the Personal Cloud product in the Northern District of California.

THE PATENTS-IN-SUIT

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

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

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

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

BACKGROUND OF THE DISPUTE

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

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

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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

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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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