

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

MICROSOFT CORPORATION,)
)
Plaintiff,) C.A. No.
)
v.)
) **JURY TRIAL DEMANDED**
SYNKLOUD TECHNOLOGIES, LLC,)
)
Defendant)

COMPLAINT FOR DECLARATORY JUDGMENT

Microsoft Corporation (“Microsoft”) hereby alleges for its complaint against SynKloud Technologies, LLC (“SynKloud”) on personal knowledge as to its own activities and on information and belief as to the activities of others as follows:

NATURE OF THE ACTION

1. This is an action for a declaratory judgment of non-infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201. Microsoft seeks relief because Defendant SynKloud has made clear through its actions that it intends to assert at least one claim of United States Patent Nos. 9,098,526 (“the ’526 Patent”), 10,015,254 (“the ’254 Patent”), 8,606,880 (“the ’6880 Patent”), 8,856,195 (“the ’195 Patent”), 8,868,690 (“the ’690 Patent”), 9,219,780 (“the ’780 Patent”), 9,239,686 (“the ’686 Patent”), 7,870,225 (“the ’225 Patent”), 7,792,923 (“the ’923 Patent”), 7,849,153 (“the ’153 Patent”) and 7,457,880 (“the ’7880 Patent”) (collectively, “the Patents-in-Suit”) against Microsoft’s products and services.

2. Microsoft has not infringed, and is not infringing, any claims of the Patents-in-Suit. Microsoft thus seeks a declaratory judgment that, through its actions or through the normal, advertised and expected use of its products, services or technology, it has not infringed,

induced others to infringe, or contributed to the infringement by others of any claim of the Patents-in-Suit.

3. This relief is appropriate because Defendant SynKloud has alleged in this district that HP Inc. (“HP”), one of Microsoft’s original equipment manufacturers (“OEMs”), infringes the ’225, ’526 and ’254 Patents in part because of HP’s inclusion of Microsoft’s OneDrive cloud storage software (“OneDrive”) in the accused HP products. SynKloud’s Amended Complaint against HP further identifies that: (1) the ’225 Patent is related to the ’923 Patent; (2) the ’526 Patent is related to the ’690 and ’6880 Patents; and (3) the ’254 Patent is related to the ’686 and ’6880 Patents. *SynKloud Techs., LLC v. HP Inc.*, 1:19-cv-1360-RGA, D.I. 15 at 3, 8 and 12 (D. Del. Nov. 12, 2019). Further, SynKloud has launched a litigation campaign based on the Patents-in-Suit, including filing suit against a number of Microsoft competitors in the cloud storage industry alleging that they also infringe certain Patents-in-Suit on their counterpart cloud storage technology. In its other lawsuits, SynKloud has asserted one or more of the Patents-in-Suit selectively while making the same or substantially similar allegations regarding the allegedly infringing conduct.

4. These activities by SynKloud, including SynKloud’s claims and references to Microsoft software, have placed a cloud over Microsoft and its products and have created a substantial, definite, concrete and immediate justiciable controversy between Microsoft and SynKloud over whether Microsoft’s software and services infringe any of the Patents-in-Suit.

PARTIES

5. Plaintiff Microsoft is a Washington state corporation with its principal place of business located at One Microsoft Way, Redmond, Washington 98052.

6. On information and belief, Defendant SynKloud is a limited liability

company organized under the laws of the State of Delaware with its principal place of business at 124 Broadkill Road, Suite 415, Milton, DE 19968.

JURISDICTION AND VENUE

7. This action arises under the United States patent laws and includes a request for declaratory relief under 28 U.S.C. §§ 2201 and 2202.

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338, and 2201, and 35 U.S.C. § 1, et seq.

9. SynKloud is subject to personal jurisdiction in this judicial district. SynKloud is a Delaware limited liability company with its primary place of business located within this district, and it has sufficient business or contacts within the State of Delaware to justify jurisdiction under the United States Constitution and the Delaware Long Arm Statute.

10. Venue is proper under 28 U.S.C. §§ 1391(b)-(c) and 28 U.S.C. § 1400(b).

EXISTENCE OF AN ACTUAL CONTROVERSY

11. Microsoft re-alleges and incorporates by reference each of Paragraphs 1-10 above.

12. An actual controversy exists within the jurisdiction of this Court under 28 U.S.C. §§ 2201 and 2202.

13. SynKloud purports to be the current owner of the '526 Patent, entitled "System and Method for Wireless Device Access to External Storage." The '526 Patent has been asserted by SynKloud against HP. A copy of the '526 Patent is attached hereto as Exhibit A.

14. SynKloud purports to be the current owner of the '254 Patent, entitled "System and Method for Wireless Device Access to External Storage." The '254 Patent is in the

same family as the '526 Patent and has been asserted by SynKloud against HP. A copy of the '254 Patent is attached hereto as Exhibit B.

15. SynKloud purports to be the current owner of the '6880 Patent, entitled "Use of Wireless Devices' External Storage." The '6880 Patent is in the same family as the '526 and '254 Patents and was identified by SynKloud in its Amended Complaint against HP. A copy of the '6880 Patent is attached hereto as Exhibit C.

16. SynKloud purports to be the current owner of the '195 Patent, entitled "Method and System for Wireless Device Access to External Storage." The '195 Patent is in the same family as the '526, '254 and '6880 Patents. A copy of the '195 Patent is attached hereto as Exhibit D.

17. SynKloud purports to be the current owner of the '690 Patent, entitled "System and Method for Support Wireless Device Access to External Storage." The '690 Patent is in the same family as the '526, '254, '6880 and '195 Patents and was identified by SynKloud in its Amended Complaint against HP. A copy of the '690 Patent is attached hereto as Exhibit E.

18. SynKloud purports to be the current owner of the '780 Patent, entitled "Method and System for Wireless Device Access to External Storage." The '780 Patent is in the same family as the '526, '254, '6880, '195 and '690 Patents. A copy of the '780 Patent is attached hereto as Exhibit F.

19. SynKloud purports to be the current owner of the '686 Patent, entitled "Method and Apparatus for Wireless Devices Access to External Storage." The '686 Patent is in the same family as the '526, '254, '6880, '195, '690 and '780 Patents and was identified by SynKloud in its Amended Complaint against HP. A copy of the '686 Patent is attached hereto as Exhibit G.

20. SynKloud purports to be the current owner of the '225 Patent, entitled "Disk System Adapted to be Directly Attached to network." A copy of the '225 Patent is attached hereto as Exhibit H.

21. SynKloud purports to be the current owner of the '923 Patent, entitled "Disk System Adapted to be Directly Attached to Network." The '923 Patent is in the same family as the '225 Patent and was identified by SynKloud in its Amended Complaint against HP. A copy of the '923 Patent is attached hereto as Exhibit I.

22. SynKloud purports to be the current owner of the '153 Patent, entitled "Method and System for Wireless Device Access to External Storage." The '153 Patent is in the same family as the '225 and '923 Patents. A copy of the '153 Patent is attached hereto as Exhibit J.

23. SynKloud purports to be the current owner of the '7880 Patent, entitled "System Using a Single Host to Receive and Redirect All File Access Commands for Shared Data Storage Device From Other Hosts on a Network." A copy of the '7880 Patent is attached hereto as Exhibit K.

24. Since at least 2007, Microsoft has developed, marketed, used and offered for sale its OneDrive software. OneDrive allows users to safely and securely store data on a cloud storage service while also allowing users to access that stored data from multiple devices.

25. On July 22, 2019, SynKloud filed an action against HP in the District of Delaware alleging infringement of the '526 and '254 Patents. *See SynKloud Techs., LLC v. HP Inc.*, No. 1:19-cv-01360-RGA (D. Del.). On November 12, 2019, SynKloud amended its Complaint to also include allegations regarding the '225 Patent as well as a fourth patent unrelated

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