UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

FUJITSU AMERICA, INC. and QUANTUM

CORPORATION,

Defendants.

Case No. 6:16-cv-1035

<u>**COMPLAINT FOR PATENT INFRINGEMENT AGAINST FUJITSU AMERICA, INC.**</u>

<u>**AND QUANTUM CORPORATION**</u>

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Realtime Data LLC d/b/a IXO ("Plaintiff," "Realtime," or "IXO") makes the following allegations against Defendant Fujitsu America, Inc. ("Fujitsu") and Defendant Quantum Corporation ("Quantum"):

PARTIES

1.   Realtime is a limited liability company organized under the laws of the State of New York. Realtime has places of business at 5851 Legacy Circle, Plano, Texas 75024, 1828 E.S.E. Loop 323, Tyler, Texas 75701, and 116 Croton Lake Road, Katonah, New York, 10536. Realtime has been registered to do business in Texas since May 2011. Since the 1990s, Realtime has researched and developed specific solutions for data compression, including, for example, those that increase the speeds at which data can be stored and accessed. As recognition of its innovations rooted in this technological field, Realtime holds 47 United States patents and has numerous pending patent applications. Realtime has licensed patents in this portfolio to many of the world's leading technology companies. The patents-in-suit relate to Realtime's development

of advanced systems and methods for fast and efficient data compression using numerous innovative compression techniques based on, for example, particular attributes of the data.

2.   On information and belief, Defendant Fujitsu America, Inc. is a California corporation, with its principal place of business at 1250 E Arques Ave, Sunnyvale, CA 94085. Upon information and belief, Fujitsu maintains one or more places of business in the Dallas, Texas area.   On information and belief, Fujitsu can be served through its registered agent, C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201.

3.   On information and belief, Defendant Quantum Corporation is a Delaware corporation, with its principal place of business at 224 Airport Parkway, Suite 300, San Jose, CA 95110.   Upon information and belief, Quantum maintains a place of business at 783 North Grove Road,   Suite   102,   Richardson,   TX   75081.   *See* http://www.quantum.com/aboutus/contactus/index.aspx. On information and belief, Quantum can be served through its registered agent, C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201.

4.   On information and belief, Fujitsu and Quantum have entered into a commercial partnership whereby Quantum supplies its DXi deduplication software technology to Fujitsu for incorporation into Fujitsu's products, including but not limited to the ETERNUS CS800 Data Protection   Appliance.   *See,*   *e.g.*, http://www.theregister.co.uk/2010/10/27/netapp_quantum_and_fujitsu/ ("inside the CS800 S2 is Quantum's DXi deduplication software technology. Marcus Schneider, Fujitsu's director of storage product marketing, admitted this. He said: 'We believe the Quantum stack is the most mature on the market. It's a great piece of software.' … The OEM'ing of Quantum's DXi software by Fujitsu … is a tremendous boost to both Quantum and Fujitsu."). Fujitsu's ETERNUS CS800 Data Protection Appliance infringes Realtime's patents through its use of Quantum's DXi deduplication software technology, as further described below. Accordingly, Fujitsu and Quantum are properly joined in this action pursuant to 35 U.S.C. § 299.

JURISDICTION AND VENUE

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

6.   This Court has personal jurisdiction over Defendant Fujitsu in this action because Fujitsu has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Fujitsu would not offend traditional notions of fair play and substantial justice. Fujitsu, directly and through subsidiaries or intermediaries, has 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. Upon information and belief, Fujitsu maintains one or more places of business in the Dallas, Texas area. Fujitsu is registered to do business in the State of Texas.

7.   This Court has personal jurisdiction over Defendant Quantum in this action because Quantum has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Quantum would not offend traditional notions of fair play and substantial justice. Quantum, directly and through subsidiaries or intermediaries, has 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. Quantum maintains a place of business in Texas at 783 North Grove Road, Suite 102, Richardson, TX 75081, and is registered to do business in the State of Texas.

8.   Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Fujitsu and Quantum are registered to do business in Texas, and upon information and belief, have transacted business in the Eastern District of Texas and have committed acts of direct and indirect infringement in the Eastern District of Texas. Upon information and belief, Fujitsu maintains one or more places of business in the Dallas, Texas area, and Quantum maintains a place of business at 783 North Grove Road, Suite 102, Richardson, TX 75081.

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COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,161,506

9.   Plaintiff realleges and incorporates by reference paragraphs 1-8 above, as if fully set forth herein.

10.   Plaintiff Realtime is the owner by assignment of United States Patent No. 7,161,506 ("the '506 patent") entitled "Systems and methods for data compression such as content dependent data compression." The '506 patent was duly and legally issued by the United States Patent and Trademark Office on January 9, 2007. A true and correct copy of the '506 patent, including its reexamination certificates, is included as Exhibit A.

Fujitsu Eternus Data Protection Appliance

11.   On information and belief, Fujitsu has made, used, offered for sale, sold and/or imported into the United States Fujitsu products that infringe the '506 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Fujitsu's compression products and services, such as, *e.g.,* the Fujitsu Eternus CS 800, Eternus CS 8000, Eternus CS HE, Eternus CS 200c, Eternus DX, and Eternus LT Data Protection Appliances and all versions and variations thereof since the issuance of the '506 patent ("Accused Instrumentality").

12.   On information and belief, Fujitsu has directly infringed and continues to infringe the '506 patent, for example, through its own use and testing of the Accused Instrumentality to practice compression methods claimed by Claim 104 of the '506 patent, namely, a computer implemented method for compressing data, comprising: analyzing data within a data block of an input data stream to identify one or more data types of the data block, the input data stream comprising a plurality of disparate data types; performing content dependent data compression with a content dependent data compression encoder if a data type of the data block is identified; and performing data compression with a single data compression encoder, if a data type of the data block is not identified, wherein the analyzing of the data within the data block to identify one or more data types excludes analyzing based only on a descriptor that is indicative of the data type of

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the data within the data block. Upon information and belief, Fujitsu uses the Accused Instrumentality to practice infringing methods for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support, maintenance and repair services for the Accused Instrumentality to Fujitsu's customers.

13.   The Accused Instrumentality satisfies literally and/or under the doctrine of equivalents the claim requirement "A computer implemented method for compressing data". This system minimizes the amount of data transmitted over a network and stored on a backup device. The Accused Instrumentality employs several data compression techniques to achieve this goal. *See, e.g.*, http://www.theregister.co.uk/2010/10/27/netapp_quantum_and_fujitsu/ ("But inside the CS800 S2 is Quantum's DXi deduplication software technology. Marcus Schneider, Fujitsu's director of storage product marketing, admitted this. He said: 'We believe the Quantum stack is the most mature on the market. It's a great piece of software.'"); http://www.quantum.com/technologies/deduplicationreplication/index.aspx ("Data deduplication used and implemented by Quantum is the specific approach to data reduction built on a methodology that systematically substitutes reference pointers for redundant variable-length blocks (or data segments) in a specific data set.").

14.   The Accused Instrumentality satisfies literally and/or under the doctrine of equivalents the claim requirement "analyzing data within a data block of an input data stream to identify one or more data types of the data block, the input data stream comprising a plurality of disparate data types". Even if the determination of whether particular data within a data block of an input data stream is duplicative of data that has been previously compressed and/or stored by the Accused Instrumentality were found not to literally meet the "analyzing data within a data block of an input data stream to identify one or more data types of the data block, the input data stream comprising a plurality of disparate data types" limitation, this limitation is met under the doctrine of equivalents because it is insubstantially different from what the limitation literally requires. Moreover, determining whether particular data within a data block of an input data stream is duplicative of data that has been previously compressed and/or stored by the Accused

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