

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SYNKLOUD TECHNOLOGIES, LLC, a)	
Delaware limited liability company,)	
)	Civil Action No. 6:19-cv-00527
Plaintiff,)	
)	
v.)	JURY TRIAL DEMANDED
)	
ADOBE, INC., a Delaware corporation,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SynKloud Technologies, LLC (“SynKloud” or “Plaintiff”) hereby alleges for its Complaint for Patent Infringement against Adobe, Inc. (“Adobe” or “Defendant”) the following:

NATURE OF THE ACTION

1. This is an action for patent infringement of United States Patent Nos. 8,606,880 (the “880 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”); and 10,015,254 (the “254 Patent”) (collectively, the “Patents-in-Suit”) arising under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, seeking damages and other relief under 35 U.S.C. § 281, *et seq.*

THE PARTIES

2. Plaintiff SynKloud Technologies, LLC is a company organized under the laws of Delaware, with its principal place of business located at 124 Broadkill Road, #415, Milton, Delaware 19968.

3. Defendant Adobe, Inc. is a corporation organized under the laws of Delaware with its principal place of business located at 345 Park Avenue, San Jose, California 95110-

2704. Adobe's registered agent for Service of Process is located at Corporation Service Company, d/b/a CSC, 211 E. 7th Street Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

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

5. This Court has subject matter jurisdiction over SynKloud's claims under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant in this action because Defendant has committed acts within the Western District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over the Defendant would not offend traditional notions of fair play and substantial justice. The Defendant, 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.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and/or 28 U.S.C. § 1400(b). Defendant transacts business within this District and offers for sale in this District products that infringe the Patents-in-Suit. Defendant is registered to do business in Texas. Defendant has a regular and established place of business in Western District of Texas. For example, Defendant has two offices in Austin, Texas where it employs sales and user operations teams located at 11501 Domain Drive, Suite 150, Austin, Texas 78758 and a second office location at 316 West 12th Street, Austin, Texas 78701.

8. Further, Austin is a principal place of business for Magento Commerce (an Adobe company) which, upon information and belief, is the leading provider of cloud commerce

innovation to merchants and brands across B2C and B2B industries, and now a strategic pillar of the Adobe Digital Experience solutions set.

PATENT OWNERSHIP AND EXCLUSIVE RIGHT TO SUE

9. Plaintiff is the owner of the Patents-in-Suit asserted in this action and has the exclusive right to sue and collect remedies for past, present, and future infringement of the Patents-in-Suit.

ACCUSED PRODUCTS AND/OR SERVICES

10. Defendant manufactures, provides, uses, sells, offers for sale, imports, and/or distributes infringing services for storage, including, for example, Adobe Document Cloud, Creative Cloud, or Lightroom Personal, Plus, Professional, Standard, Advanced, Business and/or Enterprise Versions, using infringing Adobe servers that operate with client-side Adobe software that is connected through wireless networks including, for example, Adobe Mobile Applications, Web browser interface and/or Desktop Applications (collectively, “Accused Products and/or Services”).

ACTUAL NOTICE AND KNOWLEDGE OF THE PATENTS-IN-SUIT

11. Defendant had actual notice and/or knowledge of the Patents-in-Suit since at least April 12, 2019 when the Plaintiff sent a letter to Defendant, copy of the original attached as Exhibit 1 that explicitly listed the Patents-in-Suit.

12. Defendant has had knowledge of the Patents-in-Suit and its infringement since at least the filing of the Original Complaint in this action, or shortly thereafter, including by way of this lawsuit.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,606,880

13. SynKloud reasserts and incorporates herein by reference the allegations of all

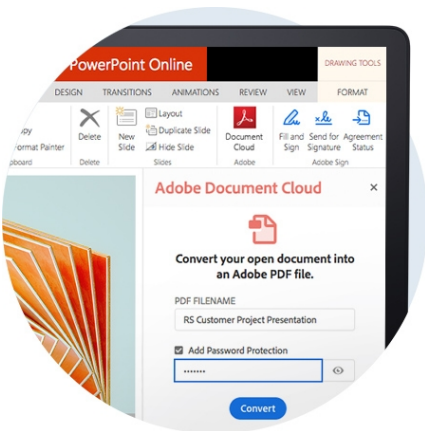
preceding paragraphs of this Complaint as if fully set forth herein.

14. On December 10, 2013, the '880 Patent, entitled "Use of Wireless Devices' External Storage," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '880 Patent is attached as Exhibit 2-A.

15. Defendant has infringed and continues to infringe at least claims 2, 7-17 of the '880 Patent under 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products and/or Services.

16. As just one non-limiting example, set forth in the claim chart, attached as Exhibit 3-A, is a description of exemplary claim 2 of the '880 Patent. Plaintiff reserves the right to modify this description, including on the basis of information it obtains during discovery.

17. For example, the Accused Products and/or Services meet all of the claim limitations of claim 2 of the '880 Patent, set forth below with claim language in italics. To the extent the preamble is limiting, the Accused Products and/or Services include *a system for expanding storage capacity of a plurality of wireless devices, the system comprising a configured server.*



<https://acrobat.adobe.com/us/en/> last visited on August 22, 2019.

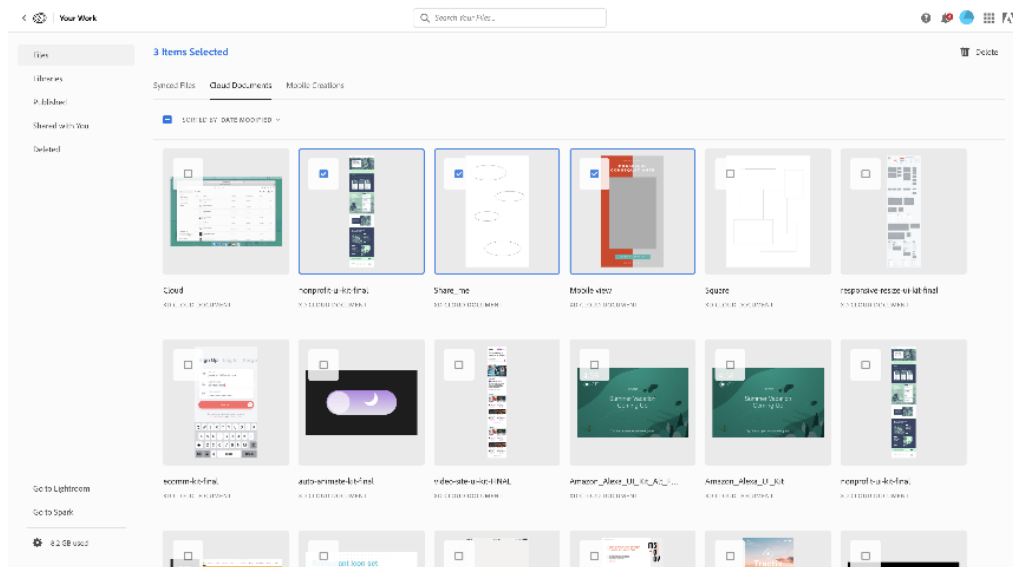
18. The Accused Products and/or Services *allocate a storage space of a predefined capacity for each of the wireless devices, create a file system for the storage space allocated for the each of the wireless devices.*

How much storage do I have?

If you have a full Adobe Creative Cloud membership or a single app membership, you have 100GB storage. If you have a Creative Cloud Photography membership, you have 20GB or 1TB storage. If you have a trial product or a free membership, you have 2GB storage. Creative Cloud for teams and Creative Cloud for enterprise memberships include 100GB of storage per seat.

<https://helpx.adobe.com/creative-cloud/kb/file-storage-quota.html>

19. The Accused Products and/or Services *establish a link for each of the wireless devices access to the storage space.*



<https://helpx.adobe.com/creative-cloud/help/sync-files.html#Accessclouddocuments>

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