

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

DATA CLOUD TECHNOLOGIES, LLC,

Plaintiff,

v.

BARRACUDA NETWORKS, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DataCloud Technologies, LLC (hereinafter, “Plaintiff” or “DataCloud”) files this Complaint for patent infringement against Defendant Barracuda Networks, Inc. (hereinafter, “Defendant” or “Barracuda”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Patents-in-Suit”) issued by the United States Patent and Trademark Office (“USPTO”), copies of which are attached hereto as **Exhibit A**, **Exhibit B**, **Exhibit C**, and **Exhibit D**, respectively:

	<b>U.S. Patent No.</b>	<b>Title</b>
A.	6,651,063 (the “’063 patent”)	Data Organization And Management System And Method
B.	8,370,457 (the “’457 patent”)	Network Communication Through A Virtual Domain
C.	8,762,498 (the ’498 patent”)	Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain
D.	RE44,723 (the “’723 patent”)	Regulating File Access Rates According To File Type

2. Plaintiff seeks monetary damages.

**PARTIES**

3. DataCloud is a limited liability company organized and existing under the laws of the State of Georgia and maintains its principal place of business at 44 Milton Avenue, Suite 254, Alpharetta, Georgia, 30009 (Fulton County).

4. Based upon public information, Barracuda is a corporation duly organized and existing under the laws of the state of Delaware since November 17, 2004.

5. Based upon public information, Barracuda lists its Corporate Headquarters as 3175 Winchester Boulevard, Campbell, California 95008 (Santa Clara County).

6. Based upon public information, Barracuda may be served through its registered agent, Corporation Service Company located at 251 Little Falls Drive, Wilmington, Delaware 19808.

7. Barracuda was made aware of DataCloud's patent portfolio, including the Patents-in-Suit, by way of a letter from DataCloud's licensing agent dated November 4, 2020.

8. Barracuda was made aware of its infringement of the Patents-in-Suit by certain of its products by way of a letter from counsel for DataCloud dated February 12, 2021.

**JURISDICTION AND VENUE**

9. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

10. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

11. The Court has personal jurisdiction over 8x8 because: Defendant has minimum contacts within the State of Delaware and in this District; Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District; Defendant

has sought protection and benefit from the laws of the State of Delaware; Defendant regularly conducts business within the State of Delaware and within this District, and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Delaware and in this District.

12. More specifically, Defendant directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and services in the United States, the State of Delaware, and in this District.

13. Specifically, Defendant intends to do and does business in, has committed acts of infringement in this District directly, and offers its services, including those accused of infringement here, to customers and potential customers located in the State of Delaware, including in this District.

14. Therefore, venue is proper in this District pursuant to 28 U.S.C. §1400(b) because Defendant resides in this District by way of its incorporation in Delaware.

#### **THE ACCUSED INSTRUMENTALITIES**

15. Based upon public information, Defendant owns, operates, advertises, and/or controls the website [www.barracuda.com](http://www.barracuda.com) through which it advertises, sells, offers to sell, provides and/or educates customers about its website hosting platforms. *See Exhibit E. Exhibit F.*

16. Defendant offers at least the following products (hereinafter, the "Accused Instrumentalities") that infringe one or more claims of the Patents-in-Suit:

- Barracuda Android App;
- Barracuda Firewalls with NAT translation;
- Barracuda websites using Transport Layer Security (TLS) version 1.2 or 1.3; and
- Barracuda Firewalls with Rate Control

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,651,063**

17. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

18. The '063 patent was issued on November 18, 2003 after full and fair examination by the USPTO of Application No. 09/493,911 which was filed on January 28, 2000. *See* Ex. A at A-1. A Certificate of Correction was issued on February 3, 2004. *See id.* at A-20.

19. The claims of the '063 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by providing an organization scheme to streamline the process for storage and retrieval of information through a combination of automatic categorization and user influence.

20. The written description of the '063 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

21. DataCloud owns all substantial rights, interest, and title in and to the '063 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

22. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '063 patent.

23. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '063 patent, either literally or under the doctrine of

equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Defendant's Barracuda Android App.

24. Upon information and belief, the Barracuda Android App meets each and every step of at least Claim 4 of the '063 Patent, either literally or equivalently.

25. Based upon public information, Defendant's provision of the Barracuda Android App has infringed one or more claims of the '063 Patent, including Claim 4 because it provides a method for storing and controlled access of data in a repository by storing information in an "information pack" (*e.g.*, uploading to servers/saving image files) to which is associated the address of a data repository, a category identifier (*e.g.*, "data" directory), and a provider identifier (Barracuda). The information pack is sent to the specified data repository and stored there in a location reserved for the specified category identifier that is specifically created for the information pack (*e.g.*, file folder in the Barracuda Android application is reserved for information), and a custom category identifier (*e.g.*, custom category identifier can be the digital signature for either of the Barracuda Android applications) is assigned to the information pack. The custom category identifier is subsequently used to identify other information packs that should be stored in the same location based on matching category identifiers (*e.g.*, valid Android APK files contain a signature which allows to identify the author of the APK file, which allows verification that an updated version comes from the same author).

26. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

27. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35

U.S.C. § 284.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 8,370,457**

28. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

29. The '457 patent was issued on February 5, 2013 after full and fair examination by the USPTO of Application No. 11/717,911 which was filed on March 13, 2007. *See* Ex. B at B-1 A Certificate of Correction was issued on March 18, 2014. *See id.* at B-11.

30. The claims of the '457 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients.

31. The written description of the '457 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

32. DataCloud owns all substantial rights, interest, and title in and to the '457 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

33. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '457 patent.

34. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '457 patent, either literally or under the doctrine of

equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its Barracuda Firewalls with NAT translation.

35. Upon information and belief, Barracuda Firewalls with NAT translation meets each and every step of at least Claim 9 of the '457 patent, either literally or equivalently.

36. Based upon public information, Barracuda Firewalls with NAT translation has infringed one or more claims of the '457 patent, including Claim 9, through its advanced firewall settings in Cloud Firewall because it establishes a forwarding internet protocol (IP) address (translated IP address) for a pre-defined combination of a client IP address (*e.g.*, 10.10.XX.XX) and a destination IP address (*e.g.*, 168.10.XX.XX), they identify, in a data request received from the client IP address, the pre-defined combination, and in response to the identifying of the pre-defined combination, forward (*e.g.*, from "Host A" to the NAT Router) the data request via (*e.g.*, commands are configured to translate source addresses to the destination IP address for all packets with IP destination addresses in the 168.10.XX.XX/24 subnet) the forwarding IP address to the destination IP address (*e.g.*, on "Host B").

37. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

38. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,762,498**

39. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

40. The. '498 patent was issued on June 24, 2014, after full and fair examination by the

USPTO of Application No. 13/731,731 which was filed on December 31, 2012. *See* Ex. C at C-1.

41. The claims of the '498 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients.

42. The written description of the '498 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

43. DataCloud owns all substantial rights, interest, and title in and to the '498 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

44. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '498 patent.

45. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '498 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Barracuda websites using Transport Layer Security (TLS) version 1.2 or 1.3 ("Barracuda TLS websites").

46. Upon information and belief, Barracuda TLS websites meet each and every step of



at least Claim 1 of the '498 patent, either literally or equivalently.

47. Based upon public information, Barracuda TLS websites have infringed one or more claims of the '498 patent, including Claim 1, because it provides a method of determining, by a controller device comprising a processor (*e.g.*, a router), a destination internet protocol (IP) address from a plurality of categories for virtual names (*e.g.*, barracuda.com, campus.barracuda.com, www.barracuda.com, www.barracudanetworks.com, ess.barracudanetworks.com, barracudanetworks.com) based on a virtual namespace destination address (*e.g.*, www.barracuda.com) specified by request data received from a device, wherein a category of the plurality of categories is related to the virtual namespace destination address establishing a correlation between the destination IP address and a forwarder IP address of a forwarder device; and instructing the forwarder device to send the request data to the destination IP address. (*e.g.*, through a WWW server and SNI Routing).

48. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

49. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT IV: INFRINGEMENT OF U.S. PATENT NO. RE44,723**

50. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

51. The. '723 patent was issued on January 21, 2014 after full and fair examination by the USPTO of Application No. 11/818,544 (hereinafter, the "'544 Application") which was filed on June 14, 2007. *See* Ex. D at D-1.

52. The claims of the '723 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by controlling access to file resources by intercepting system calls and regulating access based on pre-selected criteria.

53. The written description of the '723 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

54. DataCloud owns all substantial rights, interest, and title in and to the '723 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

55. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '723 patent.

56. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '723 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its Barracuda Firewalls with Rate Control.

57. Upon information and belief, Barracuda Firewalls with Rate Control meet each and every element of at least Claim 1 of the '723 patent, either literally or equivalently.

58. Based upon public information, Barracuda Firewalls with Rate Control have infringed one or more claims of the '723 patent, including Claim 1, in because it limits resource

access to prevent “Denial of Service” (DoS) attacks by employing a computer-implemented method for regulating file access rates of processes according to file type, the computer implemented method comprising: intercepting a system call that attempts to access a file is an address table, which is stored as a file that is persistent and saved in nonvolatile memory; determining whether a process that made the intercepted system call is associated with an access rate, corresponding to a type of the file being accessed; in response to the attempt to access the file by the process, determining the associated access rate for the type of the file being accessed; and regulating the process to access of the file at the determined rate.

59. Defendant’s aforesaid activities have been without authority and/or license from Plaintiff.

60. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant’s wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

61. Plaintiff demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

62. Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff Defendant’s past infringement, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate

Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;

- C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- D. Any further relief that this Court deems just and proper.

Dated: January 20, 2023

Respectfully submitted,

**Stamoulis & Weinblatt LLC**

/s/ Richard C. Weinblatt

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\* Admission *pro hac vice* anticipated

**LIST OF EXHIBITS**

- A. U.S. Patent No. 6,651,063
- B. U.S. Patent No. 8,370,457
- C. U.S. Patent No. 8,762,498
- D. U.S. Patent No. RE44,723
- E. Webpage: Products and Services Offered
- F. Webpage: Product Portfolio