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

TOPIA TECHNOLOGY, INC., Plaintiff, v. BOX, INC., SAILPOINT TECHNOLOGIES HOLDINGS, INC. AND VISTRA CORP., Defendants.	Case No. 6:21-cv-01372 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Topia Technology, Inc., ("Topia" or "Plaintiff") files this Complaint for patent infringement against Defendant Box, Inc., ("Box" or "Defendant"), SailPoint Technologies Holdings, Inc. ("SailPoint") and Vistra Corp. ("Vistra") (collectively "Defendants"), and alleges as follows:

NATURE OF ACTION

1.   This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*, including §§ 271, 283, 284, and 285.

THE PARTIES

2.   Topia is a company organized and existing under the laws of the State of Washington with its principal place of business in Tacoma, Washington.

3.   Upon information and belief, Box, Inc. ("Box" or "Defendant"), is a corporation organized and existing under the laws of the State of Delaware.

4.   Box has a regular and established place of business in this District, including an office in Austin, Texas located at 600 Congress Ave, 24th Floor, Austin, Texas 78701. Box's

registered agent for service of process is Corporation Service Company d/b/a CSC-Lawyers

Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin TX 78701.

5.   Upon information and belief, SailPoint is a corporation organized and existing

under the laws of the State of Delaware.

6.   SailPoint has a regular and established place of business in this District, including

its headquarters in Austin, Texas located at 11120 Four Points Drive, Suite 100, Austin TX

78726. SailPoint's registered agent for service of process is C T Corporation System located at

1999 Bryan St., STE. 900, Dallas, TX 75201.

7.   Upon information and belief, Vistra is a corporation organized and existing under

the laws of the State of Delaware.

8.   Vistra has a regular and established place of business in this District, including an

office at 1005 Congress Ave., Austin, TX 78701. Vistra's registered agent for service of process

is Capital Corporate Services, Inc., located at 206 E 9th St., Suite 1300 Austin, TX 78701.

JURISDICTION AND VENUE

9.   This Court has original jurisdiction over the subject matter of this action pursuant

to 28 U.S.C. §§ 1331, 1367, and 1338(a).

10.   Upon information and belief, Box is in the business of providing online document

storage and synchronization products and services, including products and services that infringe

Plaintiff's patents identified below, through Box's online platforms and mobile applications to

customers. Upon information and belief, Box has about 41 million users across multiple

countries, including users in the State of Texas and this District.

11.   Upon information and belief, Box is subject to personal jurisdiction of this Court

because it has a regular and established place of business in Austin, Texas, and is a resident of

this state in this judicial District.

12.   Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400, because Box has

committed infringing acts in this District and has a regular and established place of business in

this District.

13.   Upon information and belief, SailPoint is in the business of using Box products

and services and providing valued added integration services and products for Box's online

document storage and synchronization products and services, including those products and

services that infringe Plaintiff's patents identified below, through Box's online platforms and

mobile applications to customers.

14.   Upon information and belief, SailPoint is subject to personal jurisdiction of this

Court because it has a regular and established place of business in Austin, Texas, and is a

resident of this state in this judicial District.

15.   Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400, because

SailPoint has committed infringing acts in this District and has a regular and established place of

business in this District.

16.   Upon information and belief, Vistra is a Box customer and uses Box's online

document storage and synchronization products and services, including those products and

services that infringe Plaintiff's patents identified below, through Box's online platforms and

mobile applications.

17.   Upon information and belief, Vistra is subject to personal jurisdiction of this

Court based upon it having regularly conducted business, including the acts complained of

herein, within the State of Texas and/or deriving substantial revenue from goods and services

provided to customers in Texas and in this District. Upon information and belief, this Court has

personal jurisdiction over Vistra, because Vistra, including acts throughout Texas and in this

District, has committed, and/or aided, abetted, contributed to and/or participated in the

commission of, the tortious action of patent infringement that has led to foreseeable harm and injury to Plaintiff, such that Vistra should anticipate being hauled into court in this judicial District.

18.   Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400, because Vistra has committed infringing acts in this District and has a regular and established business in this District.

19.   The allegations provided below are exemplary and without prejudice to Plaintiff's infringement contentions that will be provided pursuant to the Court's scheduling order and local civil rules, including after discovery as provided under the Federal Rules of Civil Procedure. In providing these allegations, Plaintiff does not convey or imply any particular claim constructions or the precise scope of the claims of the asserted patents. Plaintiff's proposed claim constructions, if any, will be provided pursuant to the Court's scheduling order and local civil rules.

COUNT ONE

INFRINGEMENT OF U.S. PATENT NO. 9,143,561

20.   Plaintiff incorporates Paragraphs 1 through 19 as though fully set forth herein.

21.   U.S. Patent No. 9,143,561 ("the '561 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network," issued on September 22, 2015. A copy of the '561 Patent is attached as Exhibit 1.

22.   The '561 patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to at least one other device.

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23.   Plaintiff is the owner by assignment of all rights, title, and interest in and to the '561 Patent, including the right to assert all causes of action arising under the '561 Patent and the right to all remedies for the infringement of the '561 Patent.

24.   Claim 1 of the '561 Patent recites:

1.   A system, comprising:

a first electronic device configured to selectively execute a first application, the first electronic device being in communication with a second electronic device and a third electronic device, each associated with a user wherein the first electronic device is configured to:

receive from a second application executable on the second electronic device a copy of a first electronic file automatically transferred from the second application when the user modifies a content of the first electronic file; and

wherein the first electronic device is further configured to receive from a third application executable on the third electronic device a copy of a second electronic file automatically transferred from the third application when the user modifies a content of the second electronic file; and

wherein the first application is further configured to automatically transfer the modified first electronic file copy to the third electronic device to replace an older version of the first electronic file stored on the third electronic device with the modified first electronic file copy having the content modified by the user; and

automatically transfer the modified second electronic file copy to the second electronic device to replace an older version of the second electronic file

stored on the second electronic device with the modified second electronic

file copy having the content modified by the user;

wherein the second application automatically transfers the copy of the modified

first electronic file to the first electronic device upon determining that a save

operation has been performed on the modified first electronic file.

DEFENDANT BOX

25.   Box offers a suite of products and services, including Box Sync and Box Drive,

for individuals which practice each and every limitation of one or more claims of the '561 patent.

Box's products and services include systems and methods for sharing electronic files between

multiple devices, wherein when a user modifies an electronic file on a device, a copy of the

modified electronic file is automatically transferred to at least one other device.

26.   Box products and services involve systems that include various client and server

devices and software. Box's server infrastructure includes a first electronic device (*e.g.*, a server

system) executing an application (*e.g.*, running Box server software). The first electronic device

(*e.g.*, the server system) is in communication with a second electronic device (*e.g.*, a first client

device such as a laptop or a smart phone) and a third electronic device (*e.g.*, a second client

device such as a laptop or a smart phone). Box promotes its products and services as a system

for enabling its customers to mirror data across multiple devices:

27.   For example, Box offers client software, including Box Sync and Box Drive,

running on Windows, Mac, iOS, Android, and web browsers:

About Box Sync

Print

Posted Feb 26, 2020   Updated Mar 3, 2020

Box Sync is a productivity tool that allows you to mirror data stored on Box to your desktop. You can then navigate and modify content stored on the Box website through your computer's native file browsing interface, without using a web browser. Content that syncs down to your computer are available for offline access. If you make changes to the synced files locally, these changes automatically sync back up to your Box account.

https://support.box.com/hc/en-us/articles/360043696154-About-Box-Sync (last visited December 16, 2021)

Installing Box Sync

Print

Posted Feb 26, 2020   Updated Feb 24, 2021

Box Sync is a productivity tool that enables you to mirror data stored on Box to your desktop. You can then navigate and modify content stored on the Box website through your computer's native file browsing interface, without using a web browser. Content that syncs down to your computer is available for offline access, and if you make changes to the synced files locally, these changes automatically sync back up to your Box account.

Mac

Box Sync system requirements for Macs

- Supported OS version
- HFS+ or APFS formatted hard drive.

Mac install steps

1. Download the Box Sync Installer DMG file.
2. Open the DMG file when the download is complete.
3. Drag the Box Sync app icon into your Applications folder.
4. Double-click on Box Sync in your Applications folder.

Your synced files are stored in a new folder called **Box Sync**. You can access this folder from the **Favorites** section in the left pane of your Finder window.

Windows install steps

1. Download the Box Sync Setup EXE file.

2. Open the EXE file from where the file was downloaded to Windows, and follow the installation instructions.

3. Box Sync starts automatically when the installation completes.

Your synced files are stored in a new folder called **Box Sync**. You can access this folder from the **Favorites** section in the left pane of Windows Explorer. Alternately, right-click the **Box Sync** icon in the system tray (bottom right corner of your screen - near the clock) and click **Open Sync Folder**.

https://support.box.com/hc/en-us/articles/360043697194-Installing-Box-Sync: (last visited

December 16, 2021)

Work with your cloud files on your desktop

Box Drive is the incredibly simple way to work with all of your files — even billions of files — right from your desktop, taking up very little hard drive space. Open your Windows Explorer or Mac Finder to find every file you need, edit like you would any local file and save it automatically to the cloud. And, keep enterprise-grade security protecting everything you do.

Seamlessly create and edit files

Whether you're creating a new document or editing a PDF, any changes you make, even when offline, will automatically save to Box. You can also lock shared files so others can't overwrite your edits.

Key features

Access all of your files
Box Drive enables you to work with all your files stored in Box right from your desktop. If you're looking for Box Sync, check out the Box Community.

Work with your files offline
View and edit your files without an internet connection. Any changes made while offline are automatically updated when you're back online.

Replace desktop backup solutions
Files are no longer stored on users' hard drives, reducing the risk of data loss if devices are lost or stolen.

See the files shared with you
Any files shared with you, including read-only, will automatically appear in Box Drive.

Save every version
By automatically retaining versions of files every time you click "save," Box Drive prevents you from losing work.

Keep all your content secure
Box Drive works with all our security capabilities, including information governance, retention and device security.

https://www.box.com/drive: (last visited December 16, 2021)

To install Box Drive on macOS:

1. Download the Box Drive installer.
2. Navigate to the location where you saved the file, then, double-click it. The installer starts.
3. When prompted, select **Install for all users of this computer** and click **Continue**.
4. **DO NOT** change the install location. Click **Install**.
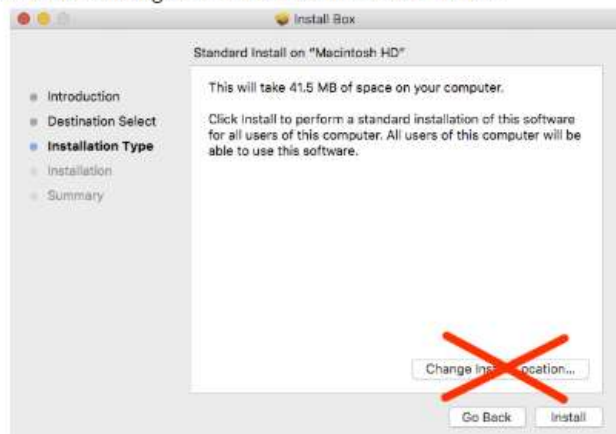
5. The system displays a notificatation when the installation completes. Click **Close**.
6. Box Drive launches. (If you are using macOS 10.13 or later, continue below for additional steps.)

To install Box Drive on Windows:

1. Download the Box Drive installer.
2. Navigate to the location where you downloaded the file, and double-click it to run the installer.
3. Follow the instructions to complete the installation. If Box Drive does not launch automatically when the installation completes, you may need to go to the **Start** menu and launch the application manually.
4. You must log in to Box Drive the first time you open it. You may be redirected to your company's logfin page.
5. After you log in, Box Drive displays a brief walkthrough of its features. When this completes, your Box content is available at C:\Users\USERNAME\Box.

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https://support.box.com/hc/en-us/articles/360043697474-Installing-and-Updating-Box-Drive:

(last visited December 16, 2021)

28.   Box server infrastructure includes an electronic device running Box server software that is configured to execute a Box server application, and electronic client devices running Box software being in communication with the electronic device running Box server software.

29.   Box operates data centers in the United States that store files that are synched with Box Sync or Box Drive. Box provides the following overview of its architecture:

Your data where you want it

Box Zones enables organizations to address data residency obligations across multiple geographies, allowing them to raise the bar for privacy and control in the cloud — whether they have employees, customers, or partners across Europe, Asia, Canada, or Australia. With Box Zones, we're removing the barriers to cloud adoption so every business around the globe can work as one.

Box Zones builds on the strong data protection and privacy provided by Box, allowing companies to store their encrypted-at-rest content around the world. Now, organizations with users in Europe, Asia, Canada or Australia can use local data storage to store files in-region. This helps address regional and country-specific data privacy concerns, customer data residency concerns (including concerns about Brexit) and other requirements to store files in-region.

With Box Zones, we deliver flexibility and choice for in-region storage at unparalleled reach and scale - all with the ease of use you expect from Box.

United States - US Federal Zone

How it works

Box Zones provides data localization by separating all the powerful collaboration, productivity, and ease of use features of Box from the storage layer. In fact, where content is stored, while determined by the admin, is invisible to the end user. This allows end users to go on with their day without ever having to think about where their data needs to be stored. Box Zones is made possible by leveraging the global network of data centers of our partners.

https://www.box.com/zones: (last visited December 16, 2021)

That's why we're incredibly excited to announce **Box Zones**: a breakthrough technology providing in-region data storage with Box, and raising the bar for privacy and control in the cloud. Box Zones enables businesses around the globe to adopt Box as their modern content management platform, while letting them store their data in the region of their choice, starting with Germany, Ireland, Singapore or Japan, in partnership with IBM and Amazon.

How we did it

Box Zones has been a key focus of our engineering team for the past couple of years, with the core goal of separating our application and service from how and where we store encrypted files. Box Zones, and its corresponding architecture affords us the flexibility to leverage both our own data centers and select cloud partners to accelerate our footprint in new geographies.

> With Box Zones, we're partnering with two world-class global companies, IBM and Amazon, to provide our customers with storage infrastructure at unparalleled reach and scale. Over time, you will see us enter more regions throughout (and beyond) Europe and Asia, and potentially open up to other partners in the future.

> Box will continue to operate our own data centers in the US, but Box Zones is a powerful extension of our infrastructure that will help us expand to more places faster. Best of all, it's fully transparent to the user (and enterprise).

https://blog.box.com/introducing-box-zones: (last visited December 16, 2021)

> Managing your content with Box enables you to work in a secure, resilient environment where you can prevent and manage threats. When your end users are on Box, they operate within a single redundant, integrated, and centralized architecture with security embedded throughout the infrastructure and processes. This means employees access and share content directly and securely from the cloud, eliminating the incentive to use unauthorized, insecure methods and services, and have access through a highly available software solution.

> ▸ **Infrastructure security and assurance** is the bedrock on which Box operates. Box processes over one billion files every single day, and has multiple data centers with reliable power sources and backup systems.

> **What Box offers:**
> - 99.9% SLAs
> - In-transit and at-rest encryption (256 bit AES)
> - Customer-driven penetration testing
> - Dedicated 24/7 incident response
> - Right to audit
> - Hardware security modules (HSMs)
> - Automation of Intrusion Prevention Systems (IPS) and Intrusion Detection Systems (IDS) into firewalls
> - Only US citizens have access to critical production areas (a FedRAMP requirement)
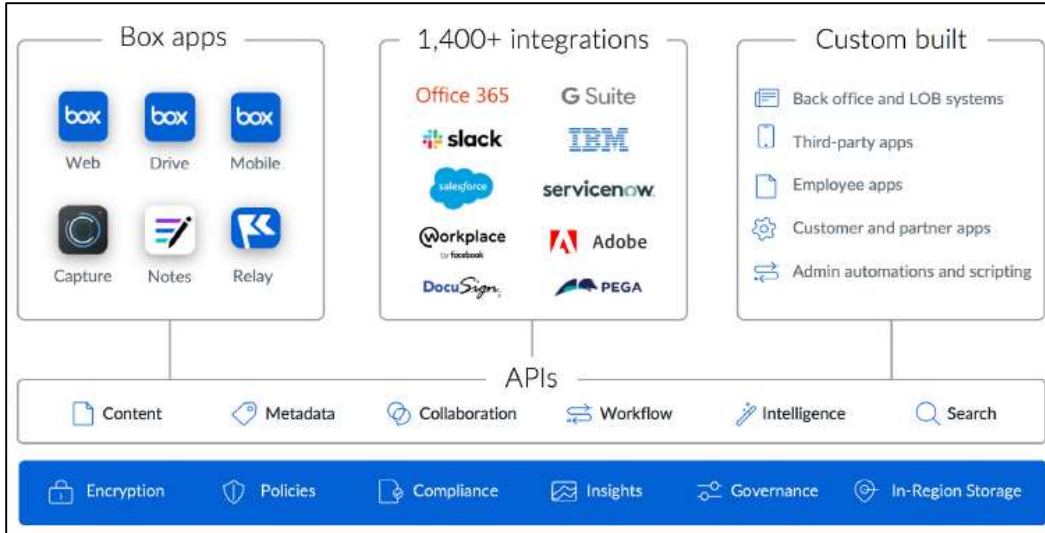
https://www.box.com/resources/sdp-secure-content-with-box: (last visited December 16, 2021)

30.   The first electronic device (*e.g.*, the server system) running Box server software and the first and the second electronic client devices (the first and second client devices such as laptop or a smart phone) running Box software are associated with a user. Client devices are associated with a user using a Box account:

https://support.box.com/hc/en-us/articles/360044196373-The-Basics-of-Box: (last visited December 16, 2021)

How often do I need to login to Box Sync?

If you actively use Box Sync on a daily basis, you may not need to explicitly login.

If you have not connected to Box Sync in 60 days, you will need to explicitly login.

Can I use multiple logins with the same Sync client?

Yes, it is possible to logout of one Box account and then login to another account on the same client. However, logging into Sync with a Box account that is different from the previous login will always prompt a re-download of all synced content to a new Box Sync folder. Please allow all content to download to the new Box Sync folder before manually introducing content to this local directory.

Can multiple instances of Box Sync run on the same computer?

No, multiple instances of Box Sync cannot be run on a single machine. Only one Box Sync process can be running on a machine at any given time.

Example: *John and Mary both use computer A. They have separate machine logins. John and Mary cannot have Box Sync running at the same time on their different accounts.*

Can I log into Box Sync using a Roaming User Profile?

No, Box Sync will not function if you are logged into your computer with a Roaming User Profile. The Box Sync folder is not tied to roaming profiles.

https://support.box.com/hc/en-us/articles/360043696354-Box-Sync-Frequently-Asked-Questions#crosscompsync: (last visited December 16, 2021)

You must log in to Box Drive the first time you open it. (You may be redirected to your company's login page.)

After you log in, Box Drive displays a brief walkthrough of its features. When this is complete, your Box content is available at ~/Box.

Signing In

Mac

After installation, Box Drive prompts you to sign in. You may be redirected to your company's login page.

After you log in, Box Drive displays a new Finder window. **Box** should display in the Finder sidebar, under both **Favorites** and **Devices**.

Windows

Box Drive runs automatically after it is installed. You can also open it from the **Start** menu.

To start using Box Drive, simply sign in to Box at the prompt. You may be redirected to your company's login page. After you launch Box Drive for the first time, you can access Box from either the **File Explorer** or the Windows system tray.

Logging out / switching accounts

To log out from Drive, click the Box Drive icon in your system tray (Windows) or menu bar (macOS). With the search window open, click the gear icon and then click **Logout**.
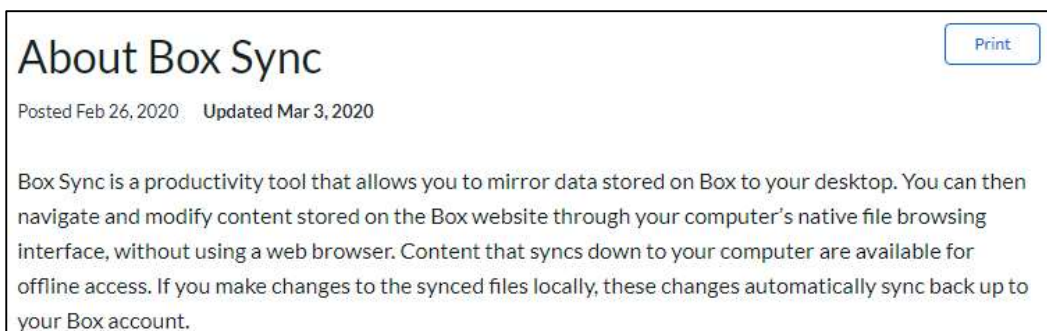
https://support.box.com/hc/en-us/articles/360043697474-Installing-and-Updating-Box-Drive

(last visited December 16, 2021)

31.   The first electronic device (*e.g.*, the server system running Box server software) is configured to receive from a second application (*e.g.*, BoxSync software) executable on the second electronic device (*e.g.*, the first client device such as a laptop or a smart phone) a copy of a first electronic file automatically transferred from the second application when the user modifies a content of the first electronic file.

32.   Box server system receives, over a network, a copy of a first file from the first client device (*e.g.*, a laptop or a smart phone) associated with a user, the copy of the first file being automatically received from the first client device when the user modifies the content of the first file stored on the first client device, the copy of the first file being an updated version of the first file that is generated from the user modifying the content of the first file in the client device. When a user modifies a file that has been configured to be synched, the Box software on the client device will upload the updated version of the file that the user modified to Box's servers:

33.   When a user modifies a file inside the Box Sync or Box Drive folder on a second electronic device, a copy of the file will be automatically uploaded to Box's servers:

https://support.box.com/hc/en-us/articles/360043696154-About-Box-Sync: (last visited December 16, 2021)

Marking Content for Box Sync

2 months ago · Updated

Control the content you that is synced to your local Box Sync folder by marking content in your Box.com account. A folder that is marked for Sync displays a blue check mark icon beside its name.

1. Select a folder by clicking beside its name, or click the folder name to open the folder. The right hand sidebar should display information about the folder you've selected or opened.
2. Click **Details** in the sidebar.
3. Click the **Sync to Desktop** slider to mark this folder for sync. By default, this will mark all contained folders for sync as well. You can unmark specific subfolders within a synced folder, if you only want certain content to be synced.

https://support.box.com/hc/en-us/articles/360044196393-Marking-Content-for-Box-Sync:

(last visited December 16, 2021)

What is the behavior when deleting files and folders from Sync?

- If you delete a file or folder from your local Box Sync folder, the action will be mirrored on Box.com.
- If you delete a file or folder from the online Box.com site that was marked as *Sync Folder to Computer*, that file or folder deletion will be mimicked in your local Box Sync folder.

https://support.box.com/hc/en-us/articles/360043696354-Box-Sync-Frequently-Asked-
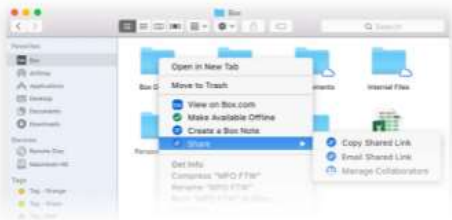
Questions: (last visited December 16, 2021)

Working in Finder

If you use a Mac, you can access Box Drive by opening Finder. In the sidebar, navigate to **Devices > Favorites > Box**. Open this folder to display all of the contents of your **All Files** page on Box.com. You can navigate through any folder and open every file you see just as if it were a local file.

For each file in the Box folder, Box Drive displays these standard properties:

- File name
- File size
- File type
- Date created (more information on Box timestamps)
- Date modified (more information on Box timestamps)

The blue cloud icon beside a file or folder indicates the item is safely stored and up to date in Box. Add or update a file or folder in Box Drive, and the icon changes to an orange syncing icon. The icon also displays as syncing when Box Drive is uploading changes you made to files offline. When the sync completes the icon resets to the blue cloud.
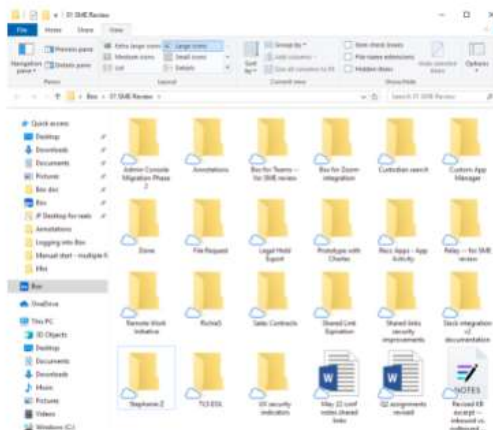

Working in Explorer

If you use Windows, you can access Box Drive by opening Explorer and navigating to the folder named Box. Open this folder to display all of the contents of your All Files page on Box.com. You can navigate through any folder and open every file you see just as if it were a local file.

For each file in the Box folder, Box Drive displays these standard properties:

- File name
- File size
- File type
- Date created (more information on Box timestamps)
- Date modified (more information on Box timestamps)

The blue cloud icon beside a file or folder indicates the item is safely stored and up to date in Box. Add or update a file or folder in Box Drive, and the icon changes to an orange syncing icon. The icon also displays as syncing when Box Drive is uploading changes you made to files offline. When the sync completes the icon resets to the blue cloud.

Working with Other Applications

Working with Box files in other applications such as Word or Excel is seamless. Open the file from Box Drive and work with it as you usually would. When you're done, save the file. The file automatically syncs back to Box. You can also use Save As to save the file to a new location, save the file with a new name, or create new folders to store your file. All of those changes save automatically in Box.

Marking Content for Offline Use

You can also mark content in Box Drive to make it available offline. Drive downloads this content to your device's hard drive so you can work when you're not connected to the Internet. When you get back online, Drive automatically uploads the revised content, so you are always working with the most up-to-date versions of your files. More information about making content available offline.

https://support.box.com/hc/en-us/articles/360043697494-Using-Box-Drive-Basics: (last

visited December 16, 2021)

    34.   Files may also be updated using the Box API:

Update file
Try this API >

PUT   /files/:file_id   Copy

G⊃ Request   Response   Request Example

Updates a file. This can be used to rename or move a file, create a shared link, or lock a file.

Path Parameters

required

file_id string in path

example 12345

The unique identifier that represent a file.

The ID for any file can be determined by visiting a file in the web application and copying the ID from the URL. For example, for the URL https://*.app.box.com/files/123 the file_id is 123 .

Query Parameters

optional

fields string array in query

example `id,type,name`

A comma-separated list of attributes to include in the response. This can be used to request fields that are not normally returned in a standard response.

Be aware that specifying this parameter will have the effect that none of the standard fields are returned in the response unless explicitly specified, instead only fields for the mini representation are returned, additional to the fields requested.

Request Body

optional

description string in body

example `The latest reports. Automatically updated` Max Length 256

The description for a file. This can be seen in the right-hand sidebar panel when viewing a file in the Box web app. Additionally, this index is used in the search index of the file, allowing users to find the file by the content in the description.

lock object in body

Defines a lock on an item. This prevents the item from being moved, renamed, or otherwise changed by anyone other than the user who created the lock.

Set this to `null` to remove the lock.

optional

lock.access string null

example `lock`

Value is always `lock`

optional

lock.expires_at string / date-time null

example `2012-12-12T10:53:43-08:00`

Defines the time at which the lock expires.

optional

lock.is_download_prevented boolean null

example `true`

Defines if the file can be downloaded while it is locked.

optional

name string in body

example `NewFile.txt`

An optional different name for the file. This can be used to rename the file.

parent object   in body

An optional new parent folder for the file. This can be used to move the file to a new folder.

optional

parent.id string null

example 123

The ID of parent item

---

permissions object   in body

Defines who can download a file.

optional

permissions.can_download string null

example open

Defines who is allowed to download this file. The possible values are either open for everyone or company for the other members of the user's enterprise.

This setting overrides the download permissions that are normally part of the role of a collaboration. When set to company , this essentially removes the download option for external users with viewer or editor a roles.

Value is one of open , company

---

shared_link object   in body

Defines a shared link for a file. Set this to null to remove the shared link.

optional

shared_link.access string null

example open

The level of access for the shared link. This can be restricted to anyone with the link (open), only people within the company (company) and only those who have been invited to the folder (collaborators).

This field defaults to the default access level, which is the access level as specified by the enterprise admin.

The company access level is only available to paid accounts.

Value is one of default , open , company , collaborators

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optional

shared_link.**password**   string   null

example   do-not-use-this-password

The password required to access the shared link. Set the password to   null   to remove it.

A password can only be set when   access   is set to   open .

shared_link.**permissions**   object   null

optional

permissions.**can_download**   boolean   null

example   true

If the shared link allows for downloading of files. This can only be set when   access   is set to   open   or   company .

optional

shared_link.**unshared_at**   string/date-time   null

example   2012-12-12T10:53:43-08:00

The timestamp at which this shared link will expire. This field can only be set by users with paid accounts.

optional

tags   string array   in body

example   ["approved"]

The tags for this item. These tags are shown in the Box web app and mobile apps next to an item.

To add or remove a tag, retrieve the item's current tags, modify them, and then update this field.

There is a limit of 100 tags per item, and 10,000 unique tags per enterprise.

https://developer.box.com/reference/put-files-id/: (last visited December 16, 2021).

35.   The first electronic device (*e.g.*, the server system running Box server software) is configured to automatically transfer the modified first file copy to the third electronic device (*e.g.*, the second client device such as a laptop or a smart phone) to replace an older version of the first file stored on the third electronic device (*e.g.*, the second client device) with the modified first file copy having the content modified by the user. Box provides the following architecture for synchronizing the files across the devices:

About Box Sync

Posted Feb 26, 2020   Updated Mar 3, 2020

Box Sync is a productivity tool that allows you to mirror data stored on Box to your desktop. You can then navigate and modify content stored on the Box website through your computer's native file browsing interface, without using a web browser. Content that syncs down to your computer are available for offline access. If you make changes to the synced files locally, these changes automatically sync back up to your Box account.

Print

https://support.box.com/hc/en-us/articles/360043696154-About-Box-Sync: (last visited

December 16, 2021)

Marking Content for Offline Use

You can also mark content in Box Drive to make it available offline. Drive downloads this content to your device's hard drive so you can work when you're not connected to the Internet. When you get back online, Drive automatically uploads the revised content, so you are always working with the most up-to-date versions of your files. More information about making content available offline.

https://support.box.com/hc/en-us/articles/360043697494-Using-Box-Drive-Basics: (last

visited December 16, 2021)

36.   When a file is marked for offline usage in Box Drive by a client device, a copy of

the file will automatically be transferred to that device when the file is change:

Making Content Available Offline

Posted Feb 26, 2020   Updated Sep 22, 2021

With Box Drive's Mark for Offline feature, your Box cloud content is available wherever you are - in a remote office, traveling on a plane, and so on - regardless of internet connectivity. Just select the Box folders you need access to, and Box Drive automatically downloads all of the folder contents to your computer. If you or someone else make changes to this content while you're offline, Box Drive automatically uploads the revised content when you are back online so you are always working with the most up-to-date versions of your files.

Print

Collaborating with another person?

Box uploads changes as they're saved. However, collaborators cannot see each others' revisions in real-time -- that is, not until after each of you have saved and exited the file and Box Drive syncs all changes. This is true regardless of whether you are working while connected or offline, However, in this case the possibility exists for two collaborators to save conflicting changes on the same file. By way of illustration: if you go back online first, Box uploads and saves your revised file as a new version. When your collaborator goes back online, Box uploads her revised file, but saves it as a separate version. If necessary, you both must then decide which revision to keep and which to discard.

https://support.box.com/hc/en-us/articles/360043697574-Making-Content-Available-Offline:

(last visited December 16, 2021)

37.   Additionally, using the Box API, a third party application can subscribe to be notified of events, such as file modification, and can respond by downloading a copy of the modified file:

Events

The event feed provides a way for an application to subscribe to any actions performed by any user or users in an enterprise.

User events

User Events provide low latency stream of events for the currently authenticated user.

Admin events

Admin Events provide an event feed for all users and content in an enterprise.

https://developer.box.com/guides/events/: (last visited December 16, 2021)

Long-Poll Events

To get real-time notification of activity in a Box account you can use the long poll feature of the `OPTIONS /events` API.

Long Polling

Long polling involves opening an HTTP request and keeping it open until the server sends a response, then repeating the process over and over to receive updated responses.

https://developer.box.com/guides/events/polling/: (last visited December 16, 2021)

```
event_type  string

example  FILE_MARKED_MALICIOUS

The event type that triggered this event

Value is one of  ACCESS_GRANTED ,  ACCESS_REVOKED ,  ADD_DEVICE_ASSOCIATION ,
ADD_LOGIN_ACTIVITY_DEVICE ,  ADMIN_LOGIN ,  APPLICATION_CREATED ,
APPLICATION_PUBLIC_KEY_ADDED ,  APPLICATION_PUBLIC_KEY_DELETED ,
CHANGE_ADMIN_ROLE ,  CHANGE_FOLDER_PERMISSION ,  COLLABORATION_ACCEPT ,
COLLABORATION_EXPIRATION ,  COLLABORATION_INVITE ,  COLLABORATION_REMOVE ,
COLLABORATION_ROLE_CHANGE ,  COLLAB_ADD_COLLABORATOR ,
COLLAB_INVITE_COLLABORATOR ,  COLLAB_REMOVE_COLLABORATOR ,  COLLAB_ROLE_CHANGE ,
COMMENT_CREATE ,  COMMENT_DELETE ,  CONTENT_ACCESS ,
CONTENT_WORKFLOW_ABNORMAL_DOWNLOAD_ACTIVITY ,  CONTENT_WORKFLOW_AUTOMATION_ADD ,
CONTENT_WORKFLOW_AUTOMATION_DELETE ,  CONTENT_WORKFLOW_POLICY_ADD ,
CONTENT_WORKFLOW_SHARING_POLICY_VIOLATION ,
CONTENT_WORKFLOW_UPLOAD_POLICY_VIOLATION ,  COPY ,
DATA_RETENTION_CREATE_RETENTION ,  DATA_RETENTION_REMOVE_RETENTION ,  DELETE ,
DELETE_USER ,  DEVICE_TRUST_CHECK_FAILED ,  DOWNLOAD ,  EDIT ,  EDIT_USER ,
EMAIL_ALIAS_CONFIRM ,  EMAIL_ALIAS_REMOVE ,  ENABLE_TWO_FACTOR_AUTH ,
ENTERPRISE_APP_AUTHORIZATION_UPDATE ,  FAILED_LOGIN ,  FILE_MARKED_MALICIOUS ,
FILE_WATERMARKED_DOWNLOAD ,  GROUP_ADD_ITEM ,  GROUP_ADD_USER ,  GROUP_CREATION ,
GROUP_DELETION ,  GROUP_EDITED ,  GROUP_REMOVE_ITEM ,  GROUP_REMOVE_USER ,
ITEM_COPY ,  ITEM_CREATE ,  ITEM_DOWNLOAD ,  ITEM_MAKE_CURRENT_VERSION ,
ITEM_MODIFY ,  ITEM_MOVE ,  ITEM_OPEN ,  ITEM_PREVIEW ,  ITEM_RENAME ,  ITEM_SHARED ,
ITEM_SHARED_CREATE ,  ITEM_SHARED_UNSHARE ,  ITEM_SHARED_UPDATE ,  ITEM_SYNC ,
```

https://developer.box.com/reference/resources/event/: (last visited December 16, 2021)

38.   The second application (*e.g.*, Box software application running on the first client device) automatically transfers the copy of the modified first file to the first electronic device (*e.g.*, the server system) upon determining that a save operation has been performed on the modified first electronic file.

39.   The first electronic device (*e.g.*, the server system) is further configured to receive from a third application (*e.g.*, BoxSync) executable on the third electronic device (*e.g.*, the second client device) a copy of a second file automatically transferred from the third application when the user modifies a content of the second electronic file, and automatically transfer the modified second file copy to the second electronic device (*e.g.*, the first client device) to replace

an older version of the second file stored on the second electronic device with the modified

second electronic file copy having the content modified by the user.

40.   On information and belief, Box has directly infringed and continues to infringe,

literally and/or under the doctrine of equivalents, one or more claims of the '561 Patent under 35

U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or

offering to sell Box products and services in the United States and abroadwithout authority.

Included in these acts of infringement are situations where devices owned by users and

customers of Box products and services interact with Box servers to perform file sync

operations.

41.   On information and belief, Box is liable for infringement, literally and/or under

the doctrine of equivalents, of one or more claims of the '561 Patent under 35 U.S.C. § 271(b)

based on its active marketing and promotion of its Box products and services in the United States

to its customers and prospective customers. On information and belief Box has, and will

continue to, intentionally encourage acts of direct infringement with knowledge of the '561

Patent and knowledge that its acts are encouraging infringement.

42.   On information and belief, Box is liable for infringement, literally and/or under

the doctrine of equivalents, of one or more claims of the '561 Patent under 35 U.S.C. § 271(c),

because Box has had, and continues to have, knowledge that its Box products are especially

developed or adapted for a use that infringes the '561 Patent and constitute a material part of the

claimed systems and methods. Box has had, and continues to have, knowledge that there are no

substantial non-infringing uses for these Products. Box has infringed and continues to infringe

the '561 Patent directly and/or indirectly in violation of 35 U.S.C. § 271(c).

DEFENDANT SAILPOINT

43.   SailPoint makes and sells valued added integration services and products for

Box's online document storage and synchronization products and services, including those

products and services that infringe Plaintiff's patents identified above, through Box's online

platforms and mobile applications to customers, which practice each and every limitation of one

or more claims of the '561 patent.

44.   More specifically, SailPoint's Identity Governance Platform provides identity

governance solutions that are integrated with Box products and services, enabling users of Box

products and services to, among other things, control user access, identify sensitive data, and

monitor for malicious behavior.

How does SailPoint integrate with Box?

SailPoint collects and analyzes the data and file permissions in Box to identify sensitive data and who has access to it. We can also alert you about inappropriate access to help you maintain security.

Examples

| Data discovery and classification ▶ |
| Permission analysis ▶ |
| Access monitoring and alerting ▶ |

Do you have files in Box that could be a compliance risk?

SailPoint's integration with Box helps you identify sensitive information, manage data ownership and alert you to any suspicious access activity. As more people collaborate and share information in the cloud, protecting access to your Box files has never been more important.

- Find and address your compliance gaps
- Ensure consistent governance across all data types
- Be alerted if inappropriate access is detected
- Minimize exposure to data leakage

box

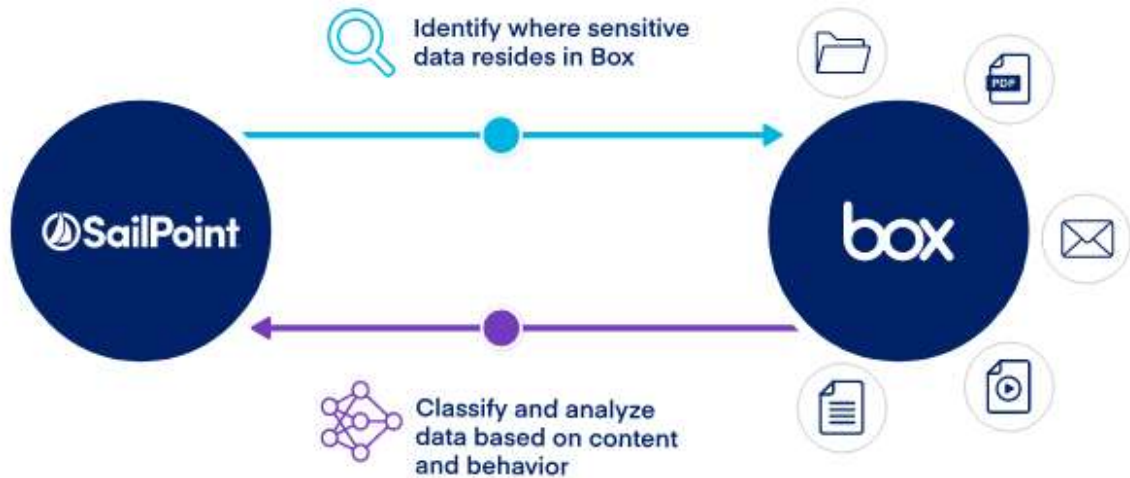**Learn more**

📄	How identity governance helps ensure GDPR compliance ▶
📄	Governing unstructured data and data access ▶
▶	Watch our Box integration demo ▶

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

45.   On information and belief, SailPoint, in order to develop, support, and provide its

identity governance solutions, has directly infringed and continues to infringe, literally and/or

under the doctrine of equivalents, one or more claims of the '561 Patent under 35 U.S.C. §

271(a) by using Box products and services in the United States and abroad without authority.

Included in these acts of infringement are situations where devices associated with SailPoint

interact with Box servers to perform file sync operations.

DEFENDANT VISTRA

46.   Vistra uses Box's online document storage and synchronization products

and services, including those products and services that infringe Plaintiff's patents

identified above, through Box's online platforms and mobile applications to customers,

which practice each and every limitation of one or more claims of the '561 patent.

47.   On its website, Box identifies Vistra as a user of Box's products and

services.

PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

SOLUTION

By migrating content to the cloud on a central platform with Box, Vistra can now leverage Box Keysafe to create consistent processes and better secure data — even at sensitive locations like nuclear facilities and during the acquisition planning phase of an M&A effort. Putting Box Governance in place is giving Vistra even more control over content.

OUTCOME

Box gives Vistra's workforce the user experience they expect and has saved the company money as it's retired expensive subscription-based tools. Processes across lines of business are now poised for automation, and all content is in compliance with FedRAMP and other regulations. Plus, cloud-based infrastructure means content processes scale as the company grows.

Technology has gradually been transitioning the entire workforce over to one central content platform with which a lot of the existing collaboration tools integrate well: Box.

"Box started as a grassroots effort by some of the folks on our political affairs team in order to share information with external consultants," Pelosi explains. "But as additional folks heard it was there, it became, 'Oh!, we could also use that for other teams.'"

The initial Box test case of about 250 people was so successful that, within a year, the number of users had bumped up to 1,000. Now, when Vistra acquires a new team, incoming employees are given "birthright access" to Box on day one. This practice is scaling up the number of Box users dramatically, and Box has become the de facto content layer of the company's digital work processes.

An early group that migrated to Box was a marketing team using an expensive file-sharing tool for digital asset management. The tool was robust, but it wasn't delivering a lot of value because the team simply didn't use most of its features. IT helped the team move their entire repository of graphical assets to the cloud into Box, saving the company a tremendous amount of money in subscription costs for an underutilized file-sharing tool.

The regulatory response organization within Vistra has to keep a close eye on governance and retention policies, and over time, their network shared drive space had run out. Accessing files on this drive was not easy, either, since users had to be onsite and connected to the network. IT migrated these assets to Box, using Box Governance to better manage content and stay in compliance.

https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

48.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '561 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

COUNT TWO

INFRINGEMENT OF U.S. PATENT NO. 10,006,942

49.   Plaintiff incorporates paragraphs 1 through 48 as though fully set forth herein.

50.   Plaintiff is the owner, by assignment of U.S. Patent No. 10,067,942 (the "'942 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network," issued on September 4, 2018. A copy of the '942 Patent is attached as Exhibit 2.

51.   The '942 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices based on a communication state of the other devices.

52.   Plaintiff is the owner by assignment of all rights, title, and interest in and to the '942 Patent, including the right to assert all causes of action arising under the '942 Patent and the right to all remedies for the infringement of the '942 Patent.

53.   For example, claim 1 of the '942 Patent states:

1. A system, comprising:

a first electronic device, associated with a user, configured to:

receive, via a first application at the first electronic device, a copy of a modified first electronic file from a second application at a second electronic device associated with the user, wherein the modified first electronic file copy is automatically received from the second application responsive to the user modifying a content of the first electronic file;

determine whether the first electronic device is in communication with a third electronic device;

automatically send, via the first application, the modified first electronic file copy to a third application at the third electronic device responsive to the determination that the first electronic device is in communication with the third electronic device and responsive to receiving the modified first electronic file copy from the second electronic device;

receive, via the first application, a copy of a modified second electronic file from the third application at the third electronic device associated with the user, wherein the modified second electronic file copy is automatically received from the third application responsive to the user modifying a content of the second electronic file;

determine whether the first electronic device is in communication with the second

electronic device; and

automatically send, via the first application, the modified second electronic file

copy to the second application at the second electronic device responsive to

the determination that the first electronic device is in communication with the

second electronic device and responsive to receiving the modified second

electronic file copy from the third electronic device,

wherein, responsive to sending the modified first electronic file copy to the third

electronic device, an older version of the first electronic file stored on the third

electronic device is automatically caused to be replaced with the modified

first electronic file copy such that the modified first electronic file copy is

stored on the third electronic device in lieu of the older version of the first

electronic file, and

wherein, responsive to sending the modified second electronic file copy to the

second electronic device, an older version of the second electronic file stored

on the second electronic device is automatically caused to be replaced with

the modified second electronic file copy such that the modified second

electronic file copy is stored on the second electronic device in lieu of the

older version of the second electronic file.

DEFENDANT BOX

54.   In addition to the description in paragraphs 25-42, Box's products and services

include systems and methods for sharing electronic files between multiple client devices,

wherein when a user modifies an electronic file on a device, a copy of the modified electronic

file is automatically transferred to other devices based on a communication state of the other devices.

55.   The first electronic device (*e.g.*, the server system) is configured to determine whether the first electronic device is in communication with a third electronic device (*e.g.*, the second client device such as a laptop or a smart phone). Box's server and client software will determine that the server is in contact with a client. Box determines if a device is online:

Making Content Available Offline Print   Posted Feb 26, 2020   Updated Sep 22, 2021   With Box Drive's Mark for Offline feature, your Box cloud content is available wherever you are - in a remote office, traveling on a plane, and so on - regardless of internet connectivity. Just select the Box folders you need access to, and Box Drive automatically downloads all of the folder contents to your computer. If you or someone else make changes to this content while you're offline, Box Drive automatically uploads the revised content when you are back online so you are always working with the most up-to-date versions of your files.
Collaborating with another person?   Box uploads changes as they're saved. However, collaborators cannot see each others' revisions in real-time -- that is, not until after each of you have saved and exited the file and Box Drive syncs all changes. This is true regardless of whether you are working while connected or offline, However, in this case the possibility exists for two collaborators to save conflicting changes on the same file. By way of illustration: if you go back online first, Box uploads and saves your revised file as a new version. When your collaborator goes back online, Box uploads her revised file, but saves it as a separate version. If necessary, you both must then decide which revision to keep and which to discard.

https://support.box.com/hc/en-us/articles/360043697574-Making-Content-Available-Offline:

(last visited December 16, 2021)

56.   The first electronic device (*e.g.*, the server system) is configured to automatically send, via the first application (*e.g.*, application running on the server system), the modified first electronic file copy to a third application at the third electronic device (*e.g.*, the second client device) responsive to the determination that the first electronic device is in communication with the third electronic device and responsive to receiving the modified first electronic file copy from the second electronic device (*e.g.*, the first client device). The Box server system will

automatically send the modified file copy to the client device responsive to the determination

that the client device is connected to the Box server system and responsive to changes to the file

in another client device:

> **Marking Content for Offline Use**
>
> You can also mark content in Box Drive to make it available offline. Drive downloads this content to your device's hard drive so you can work when you're not connected to the Internet. When you get back online, Drive automatically uploads the revised content, so you are always working with the most up-to-date versions of your files. More information about making content available offline.

https://support.box.com/hc/en-us/articles/360043697494-Using-Box-Drive-Basics: (last

visited December 16, 2021)

57.   Additionally, using the Box API, a third party application can subscribe to be

notified of events, such as file modification, and can respond by downloading a copy of the

modified file:

> **Events**
>
> The event feed provides a way for an application to subscribe to any actions performed by any user or users in an enterprise.

> **User events**
>
> User Events provide low latency stream of events for the currently authenticated user.

> **Admin events**
>
> Admin Events provide an event feed for all users and content in an enterprise.

https://developer.box.com/guides/events/: (last visited December 16, 2021)

> **Long-Poll Events**
>
> To get real-time notification of activity in a Box account you can use the long poll feature of the `OPTIONS /events` API.

```
Long Polling

Long polling involves opening an HTTP request and keeping it open until the server sends a response, then
repeating the process over and over to receive updated responses.
```

https://developer.box.com/guides/events/polling/: (last visited December 16, 2021)

```
event_type  string

example  FILE_MARKED_MALICIOUS

The event type that triggered this event

Value is one of  ACCESS_GRANTED ,  ACCESS_REVOKED ,  ADD_DEVICE_ASSOCIATION ,
ADD_LOGIN_ACTIVITY_DEVICE ,  ADMIN_LOGIN ,  APPLICATION_CREATED ,
APPLICATION_PUBLIC_KEY_ADDED ,  APPLICATION_PUBLIC_KEY_DELETED ,
CHANGE_ADMIN_ROLE ,  CHANGE_FOLDER_PERMISSION ,  COLLABORATION_ACCEPT ,
COLLABORATION_EXPIRATION ,  COLLABORATION_INVITE ,  COLLABORATION_REMOVE ,
COLLABORATION_ROLE_CHANGE ,  COLLAB_ADD_COLLABORATOR ,
COLLAB_INVITE_COLLABORATOR ,  COLLAB_REMOVE_COLLABORATOR ,  COLLAB_ROLE_CHANGE ,
COMMENT_CREATE ,  COMMENT_DELETE ,  CONTENT_ACCESS ,
CONTENT_WORKFLOW_ABNORMAL_DOWNLOAD_ACTIVITY ,  CONTENT_WORKFLOW_AUTOMATION_ADD ,
CONTENT_WORKFLOW_AUTOMATION_DELETE ,  CONTENT_WORKFLOW_POLICY_ADD ,
CONTENT_WORKFLOW_SHARING_POLICY_VIOLATION ,
CONTENT_WORKFLOW_UPLOAD_POLICY_VIOLATION ,  COPY ,
DATA_RETENTION_CREATE_RETENTION ,  DATA_RETENTION_REMOVE_RETENTION ,  DELETE ,
DELETE_USER ,  DEVICE_TRUST_CHECK_FAILED ,  DOWNLOAD ,  EDIT ,  EDIT_USER ,
EMAIL_ALIAS_CONFIRM ,  EMAIL_ALIAS_REMOVE ,  ENABLE_TWO_FACTOR_AUTH ,
ENTERPRISE_APP_AUTHORIZATION_UPDATE ,  FAILED_LOGIN ,  FILE_MARKED_MALICIOUS ,
FILE_WATERMARKED_DOWNLOAD ,  GROUP_ADD_ITEM ,  GROUP_ADD_USER ,  GROUP_CREATION ,
GROUP_DELETION ,  GROUP_EDITED ,  GROUP_REMOVE_ITEM ,  GROUP_REMOVE_USER ,
ITEM_COPY ,  ITEM_CREATE ,  ITEM_DOWNLOAD ,  ITEM_MAKE_CURRENT_VERSION ,
ITEM_MODIFY ,  ITEM_MOVE ,  ITEM_OPEN ,  ITEM_PREVIEW ,  ITEM_RENAME ,  ITEM_SHARED ,
ITEM_SHARED_CREATE ,  ITEM_SHARED_UNSHARE ,  ITEM_SHARED_UPDATE ,  ITEM_SYNC ,
```

https://developer.box.com/reference/resources/event/: (last visited December 16, 2021)

58.   On information and belief, Box has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '942 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Box products and services in the United States without authority.

59.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '942 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Box products and services in the United States

to its customers and prospective customers. On information and belief Box has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '942 Patent and knowledge that its acts are encouraging infringement.

60.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '942 Patent under 35 U.S.C. § 271(c), because Box has had, and continues to have, knowledge that its Box products are especially developed or adapted for a use that infringes the '942 Patent and constitute a material part of the claimed systems and methods. Box has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Box has infringed and continues to infringe the '942 Patent directly and/or indirectly in violation of 35 U.S.C. § 271(c).

DEFENDANT SAILPOINT

61.   SailPoint makes and sells valued added integration services and products for Box's online document storage and synchronization products and services, including those products and services that infringe Plaintiff's patents identified above, through Box's online platforms and mobile applications to customers, which practice each and every limitation of one or more claims of the '942 patent.

62.   More specifically, SailPoint's Identity Governance Platform provides identity governance solutions that are integrated with Box products and services, enabling users of Box products and services to, among other things, control user access, identify sensitive data, and monitor for malicious behavior.

How does SailPoint integrate with Box?

SailPoint collects and analyzes the data and file permissions in Box to identify sensitive data and who has access to it. We can also alert you about inappropriate access to help you maintain security.

Examples

Data discovery and classification	▶
Permission analysis	▶
Access monitoring and alerting	▶

Do you have files in Box that could be a compliance risk?

SailPoint's integration with Box helps you identify sensitive information, manage data ownership and alert you to any suspicious access activity. As more people collaborate and share information in the cloud, protecting access to your Box files has never been more important.

- Find and address your compliance gaps
- Ensure consistent governance across all data types
- Be alerted if inappropriate access is detected
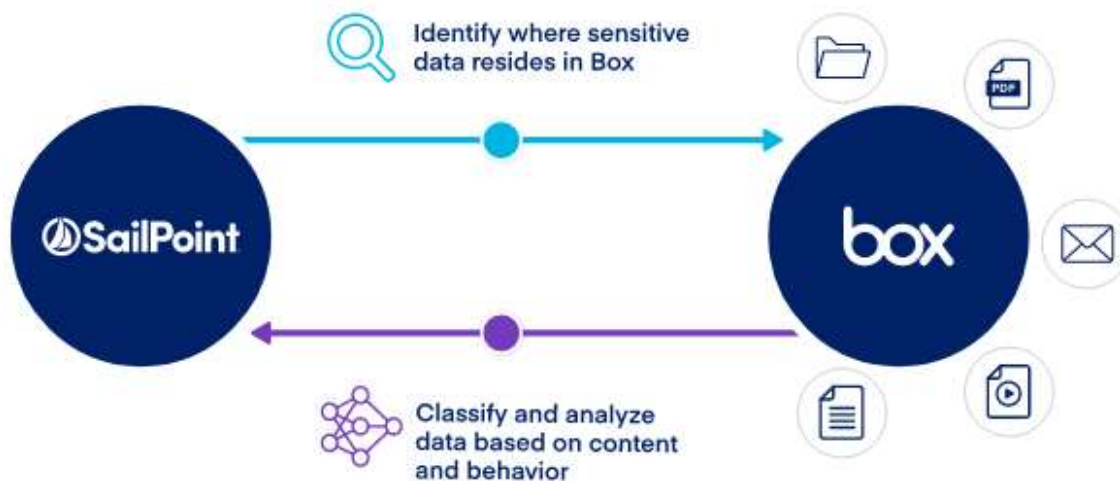- Minimize exposure to data leakage

box

Learn more

How identity governance helps ensure GDPR compliance	▶
Governing unstructured data and data access	▶
Watch our Box integration demo	▶

Identify where sensitive data resides in Box

SailPoint → **box**

Classify and analyze data based on content and behavior

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

63.   On information and belief, SailPoint, in order to develop, support, and provide its

identity governance solutions, has directly infringed and continues to infringe, literally and/or

under the doctrine of equivalents, one or more claims of the '942 Patent under 35 U.S.C. §

271(a) by using Box products and services in the United States and abroad without authority.

Included in these acts of infringement are situations where devices associated with SailPoint

interact with Box servers to perform file sync operations.

<p align="center">**DEFENDANT VISTRA**</p>

64.   Vistra uses Box's online document storage and synchronization products

and services, including those products and services that infringe Plaintiff's patents

identified above, through Box's online platforms and mobile applications to customers,

which practice each and every limitation of one or more claims of the '942 patent.

65.   On its website, Box identifies Vistra as a user of Box's products and

services.

PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

SOLUTION

By migrating content to the cloud on a central platform with Box, Vistra can now leverage Box Keysafe to create consistent processes and better secure data — even at sensitive locations like nuclear facilities and during the acquisition planning phase of an M&A effort. Putting Box Governance in place is giving Vistra even more control over content.

OUTCOME

Box gives Vistra's workforce the user experience they expect and has saved the company money as it's retired expensive subscription-based tools. Processes across lines of business are now poised for automation, and all content is in compliance with FedRAMP and other regulations. Plus, cloud-based infrastructure means content processes scale as the company grows.

Technology has gradually been transitioning the entire workforce over to one central content platform with which a lot of the existing collaboration tools integrate well: Box.

"Box started as a grassroots effort by some of the folks on our political affairs team in order to share information with external consultants," Pelosi explains. "But as additional folks heard it was there, it became, 'Oh!, we could also use that for other teams.'"

The initial Box test case of about 250 people was so successful that, within a year, the number of users had bumped up to 1,000. Now, when Vistra acquires a new team, incoming employees are given "birthright access" to Box on day one. This practice is scaling up the number of Box users dramatically, and Box has become the de facto content layer of the company's digital work processes.

An early group that migrated to Box was a marketing team using an expensive file-sharing tool for digital asset management. The tool was robust, but it wasn't delivering a lot of value because the team simply didn't use most of its features. IT helped the team move their entire repository of graphical assets to the cloud into Box, saving the company a tremendous amount of money in subscription costs for an underutilized file-sharing tool.

The regulatory response organization within Vistra has to keep a close eye on governance and retention policies, and over time, their network shared drive space had run out. Accessing files on this drive was not easy, either, since users had to be onsite and connected to the network. IT migrated these assets to Box, using Box Governance to better manage content and stay in compliance.

https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

66.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '942 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

COUNT THREE

INFRINGEMENT OF U.S. PATENT NO. 10,289,607

67.   Plaintiff incorporates paragraphs 1 through 66 as though fully set forth herein.

68.   Plaintiff is the owner, by assignment of U.S. Patent No. 10,289,607 (the "'607 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network" issued on May 14, 2019. A copy of the '607 Patent is attached as Exhibit 3.

69.   The '607 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, a copy of the modified electronic file is automatically transferred to other devices, and wherein metadata associated with the modified electronic file is assigned a greater priority than

the copy of the modified electronic file, and the metadata is automatically transferred to the other devices prior to the copy of the modified electronic file.

70.   Plaintiff is the owner by assignment of all rights, title, and interest in and to the '607 Patent, including the right to assert all causes of action arising under the '607 Patent and the right to all remedies for the infringement of the '607 Patent.

71.   For example, claim 1 of the '607 Patent states:

1. A system, comprising:

server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being a version of the first file that is generated from the user modifying the content of the first file;

receive, from the first client device, first metadata associated with the version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file;

determine that the server system is not in communication with a second client device associated with the user;

store the copy of the first file on the server system;

automatically transfer the first metadata to the second client device based on the first priority being greater than the second priority such that the first metadata

is transferred to the second client device prior to the copy of the first file being

transferred to the second client device; and

automatically transfer, over a network, the copy of the first file to the second client

device associated with the user to replace an older version of the first file

stored on the second client device, responsive to (i) resuming communication

with the second client device and (ii) receiving the copy of the first file from

the first client device.

DEFENDANT BOX

72.   In addition to the description in paragraphs 54-60, Box products and services

include systems and methods for sharing electronic files between multiple devices, wherein

when a user modifies an electronic file on a device, a copy of the modified electronic file is

automatically transferred to other devices, and wherein metadata associated with the modified

electronic file is assigned a greater priority than the copy of the modified electronic file, and the

metadata is automatically transferred to the other devices prior to the copy of the modified

electronic file.

73.   Box tracks and stores multiple types of metadata associated with stored files:

https://support.box.com/hc/en-us/articles/360044196173-Using-Metadata: (last visited
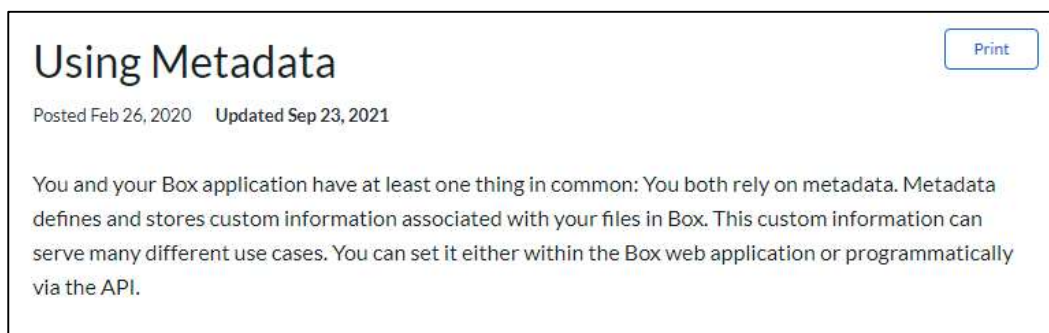
December 16, 2021)

Metadata

Metadata allows users and applications to define and store custom data associated with files and folders.

Metadata consists of key/value pairs that are assigned to a file or a folder. For example, an important contract may have the key/value pairs of `clientNumber: 820183` and `clientName: bioMedicalCorp` .

Metadata terminology

Working with metadata requires a developer to work with a few distinct types of resources.
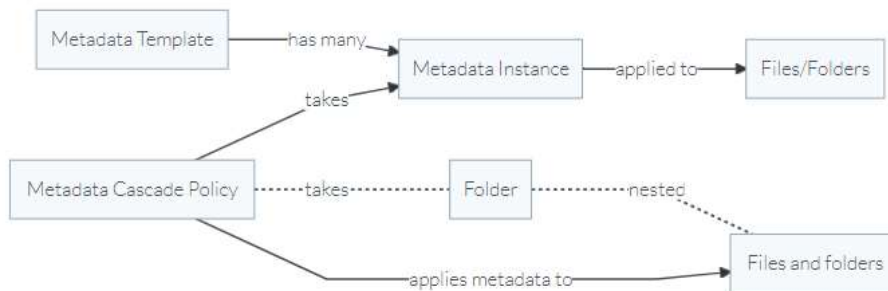
- **Templates:** A metadata template describes a re-usable set of key/value pairs that can be assigned to a file. For example, an `invoiceData` template might hold data about an invoice, having a field for the invoice ID as well as the customer ID.

  - **Fields:** A metadata template field describes a specific piece of data within a metadata template. For example, the ID of an invoice might be represented as an `id` field on an `invoiceData` template.

- **Instances:** A metadata instance describes the relation between a template and a file or folder, including the values that are assigned for every field. For example, a user might have assigned an `invoiceData` metadata template to a file and provided 2 values, one for the invoice ID and one for the customer ID.

- **Cascade Policies:** A metadata cascade policy describes how metadata instances applied to a folder should be applied to any item within that folder. For example, a user might assign the same `invoiceData` metadata template to a project folder (including the 2 values), allowing them to automatically apply to all the files and folders within that project folder.

- **Queries:** A metadata query provides a way to find files and folders by searching for the metadata attached to them. For example, to find the all files for an invoice with a certain ID, the query would look for all files and folders with the `invoiceData` template attached to it and a value of `id = :id` , where `:id` would be the value of the invoice.

https://developer.box.com/guides/metadata/: (last visited December 16, 2021)

File

A full representation of a file, as can be returned from any file API endpoints by default

etag string

example **1**

The HTTP `etag` of this file. This can be used within some API endpoints in the `If-Match` and `If-None-Match` headers to only perform changes on the file if (no) changes have happened.

---

id string

example **12345**

The unique identifier that represent a file.

The ID for any file can be determined by visiting a file in the web application and copying the ID from the URL. For example, for the URL `https://*.app.box.com/files/123` the `file_id` is `123`.

---

name string

example `Contract.pdf`

The name of the file

---

sequence_id string

example **3**

A numeric identifier that represents the most recent user event that has been applied to this item.

This can be used in combination with the `GET /events` -endpoint to filter out user events that would have occurred before this identifier was read.

An example would be where a Box Drive-like application would fetch an item via the API, and then listen to incoming user events for changes to the item. The application would ignore any user events where the `sequence_id` in the event is smaller than or equal to the `sequence_id` in the originally fetched resource.

---

allowed_invitee_roles string array

example `["editor"]`

A list of the types of roles that user can be invited at when sharing this file.

---

content_created_at string / date-time

example `2012-12-12T10:53:43-08:00`

The date and time at which this file was originally created, which might be before it was uploaded to Box.

---

content_modified_at string / date-time

example `2012-12-12T10:53:43-08:00`

The date and time at which this folder was last updated, which might be before it was uploaded to Box.

---

created_at string / date-time

example `2012-12-12T10:53:43-08:00`

The date and time when the file was created on Box.

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created_by   User (Mini) object

The user who created this file

description   string

example   `Contract for Q1 renewal`   Max Length   `256`

The optional description of this file

file_version   File version (Mini) object

The information about the current version of the file.

has_collaborations   boolean

example   `true`

Specifies if this folder has any other collaborators.

is_externally_owned   boolean

example   `true`

Specifies if this folder is owned by a user outside of the authenticated enterprise.

item_status   string

example   `active`

Defines if this item has been deleted or not.

- `active`   when the item has is not in the trash

- `trashed`   when the item has been moved to the trash but not deleted

- `deleted`   when the item has been permanently deleted.

Value is one of   `active` ,   `trashed` ,   `deleted`

modified_at   string / date-time

example   `2012-12-12T10:53:43-08:00`

The date and time when the folder was last updated on Box.

modified_by   User (Mini) object

The user who last modified this file

owned_by   User (Mini) object

The user who owns this file

parent   Folder (Mini) object

The folder that this file is located within.

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path_collection object

The tree of folders that this file is contained in, starting at the root.

purged_at string / date-time

example 2012-12-12T10:53:43-08:00

The time at which this file is expected to be purged from the trash.

sha1 string / digest

example 85136C79CBF9FE36BB9D05D0639C70C265C18D37

The SHA1 hash of the file. This can be used to compare the contents of a file on Box with a local file.

shared_link object

The shared link for this file. This will be null if no shared link has been created for this file.

size integer

example 629644

The file size in bytes. Be careful parsing this integer as it can get very large and cause an integer overflow.

tags string array

example ["approved"]

The tags for this item. These tags are shown in the Box web app and mobile apps next to an item.

To add or remove a tag, retrieve the item's current tags, modify them, and then update this field.

There is a limit of 100 tags per item, and 10,000 unique tags per enterprise.

trashed_at string / date-time

example 2012-12-12T10:53:43-08:00

The time at which this file was put in the trash.

https://developer.box.com/reference/resources/file/: (last visited December 16, 2021)

74.   When a file is modified, the file's metadata is uploaded to Box's servers with a

higher priority than the file contents:

Working in Finder

If you use a Mac, you can access Box Drive by opening Finder. In the sidebar, navigate to **Devices** > **Favorites** > **Box**. Open this folder to display all of the contents of your **All Files** page on Box.com. You can navigate through any folder and open every file you see just as if it were a local file.

For each file in the Box folder, Box Drive displays these standard properties:

- File name

- File size

- File type

- Date created (more information on Box timestamps)

- Date modified (more information on Box timestamps)

The blue cloud icon beside a file or folder indicates the item is safely stored and up to date in Box. Add or update a file or folder in Box Drive, and the icon changes to an orange syncing icon. The icon also displays as syncing when Box Drive is uploading changes you made to files offline. When the sync completes the icon resets to the blue cloud.
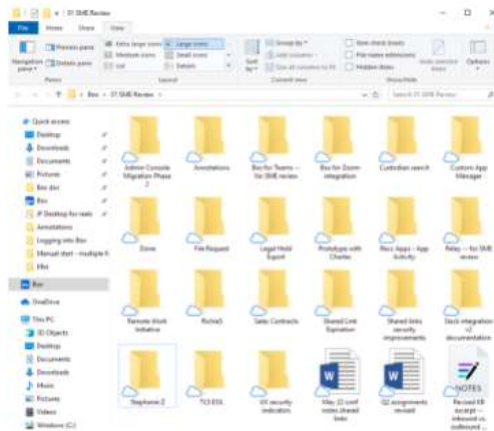

Working in Explorer

If you use Windows, you can access Box Drive by opening Explorer and navigating to the folder named Box. Open this folder to display all of the contents of your All Files page on Box.com. You can navigate through any folder and open every file you see just as if it were a local file.

For each file in the Box folder, Box Drive displays these standard properties:

- File name

- File size

- File type

- Date created (more information on Box timestamps)

- Date modified (more information on Box timestamps)

The blue cloud icon beside a file or folder indicates the item is safely stored and up to date in Box. Add or update a file or folder in Box Drive, and the icon changes to an orange syncing icon. The icon also displays as syncing when Box Drive is uploading changes you made to files offline. When the sync completes the icon resets to the blue cloud.

Working with Other Applications

Working with Box files in other applications such as Word or Excel is seamless. Open the file from Box Drive and work with it as you usually would. When you're done, save the file. The file automatically syncs back to Box. You can also use Save As to save the file to a new location, save the file with a new name, or create new folders to store your file. All of those changes save automatically in Box.

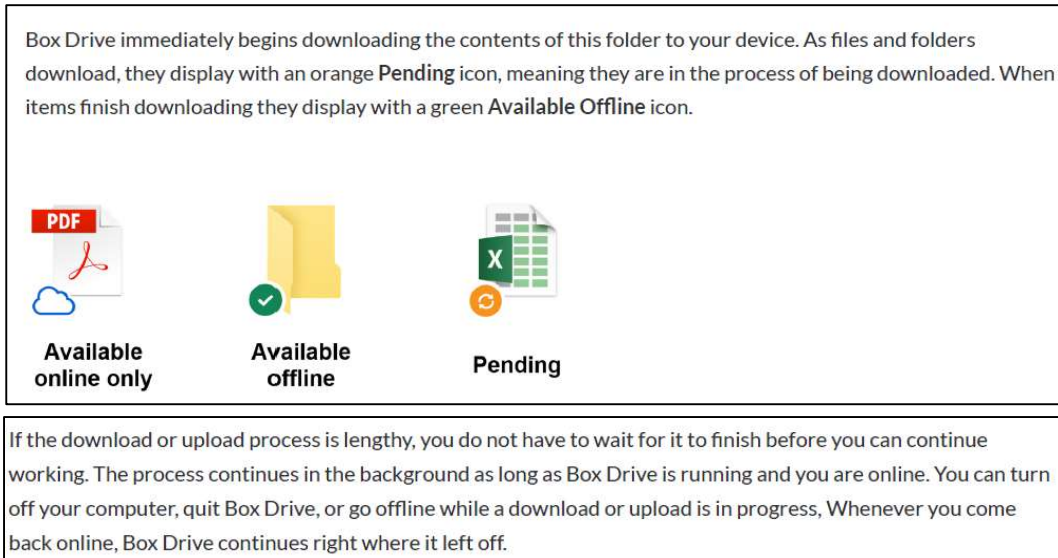## Marking Content for Offline Use

You can also mark content in Box Drive to make it available offline. Drive downloads this content to your device's hard drive so you can work when you're not connected to the Internet. When you get back online, Drive automatically uploads the revised content, so you are always working with the most up-to-date versions of your files. More information about making content available offline.

https://support.box.com/hc/en-us/articles/360043697494-Using-Box-Drive-Basics: (last

visited December 16, 2021)

Making Content Available Offline

3 months ago · Updated

With Box Drive's Mark for Offline feature, your Box cloud content is available wherever you are - in a remote office, traveling on a plane, and so on - regardless of internet connectivity. Just select the Box folders you need access to, and Box Drive automatically downloads all of the folder contents to your computer. If you or someone else make changes to this content while you're offline, Box Drive automatically uploads the revised content when you are back online so you are always working with the most up-to-date versions of your files.

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Box Drive immediately begins downloading the contents of this folder to your device. As files and folders download, they display with an orange **Pending** icon, meaning they are in the process of being downloaded. When items finish downloading they display with a green **Available Offline** icon.

Available online only	Available offline	Pending

If the download or upload process is lengthy, you do not have to wait for it to finish before you can continue working. The process continues in the background as long as Box Drive is running and you are online. You can turn off your computer, quit Box Drive, or go offline while a download or upload is in progress, Whenever you come back online, Box Drive continues right where it left off.

https://support.box.com/hc/en-us/articles/360043697574-Making-Content-Available-Offline:

(last visited December 16, 2021)

75.   On information and belief, Box has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '607 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Box products and services in the United States without authority.

76.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '607 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Box products and services in the United States to its customers and prospective customers. On information and belief Box has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '607 Patent and knowledge that its acts are encouraging infringement.

77.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '607 Patent under 35 U.S.C. § 271(c), because Box has had, and continues to have, knowledge that its Box products are especially developed or adapted for a use that infringes the '607 Patent and constitute a material part of the

claimed systems and methods. Box has had, and continues to have, knowledge that there are no

substantial non-infringing uses for these Products. Box has infringed and continues to infringe

the '607 Patent directly and/or indirectly in violation of 35 U.S.C. § 271(c).

DEFENDANT SAILPOINT

78.   SailPoint makes and sells valued added integration services and products for

Box's online document storage and synchronization products and services, including those

products and services that infringe Plaintiff's patents identified above, through Box's online

platforms and mobile applications to customers, which practice each and every limitation of one

or more claims of the '607 patent.

79.   More specifically, SailPoint's Identity Governance Platform provides identity

governance solutions that are integrated with Box products and services, enabling users of Box

products and services to, among other things, control user access, identify sensitive data, and

monitor for malicious behavior.

How does SailPoint integrate with Box?

SailPoint collects and analyzes the data and file permissions in Box to identify sensitive data and who has access to it. We can also alert you about inappropriate access to help you maintain security.

Examples

Data discovery and classification ▶

Permission analysis ▶

Access monitoring and alerting ▶

Do you have files in Box that could be a compliance risk?

SailPoint's integration with Box helps you identify sensitive information, manage data ownership and alert you to any suspicious access activity. As more people collaborate and share information in the cloud, protecting access to your Box files has never been more important.

- Find and address your compliance gaps
- Ensure consistent governance across all data types
- Be alerted if inappropriate access is detected
- Minimize exposure to data leakage

box

Learn more

How identity governance helps ensure GDPR compliance ▶

Governing unstructured data and data access ▶

Watch our Box integration demo ▶

Identify where sensitive data resides in Box

Classify and analyze data based on content and behavior

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

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80.   On information and belief, SailPoint, in order to develop, support, and provide its

identity governance solutions, has directly infringed and continues to infringe, literally and/or

under the doctrine of equivalents, one or more claims of the '607 Patent under 35 U.S.C. §

271(a) by using Box products and services in the United States and abroad without authority.

Included in these acts of infringement are situations where devices associated with SailPoint

interact with Box servers to perform file sync operations.

<div align="center">**DEFENDANT VISTRA**</div>

81.   Vistra uses Box's online document storage and synchronization products

and services, including those products and services that infringe Plaintiff's patents

identified above, through Box's online platforms and mobile applications to customers,

which practice each and every limitation of one or more claims of the '607 patent.

82.   On its website, Box identifies Vistra as a user of Box's products and

services.

PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

SOLUTION

By migrating content to the cloud on a central platform with Box, Vistra can now leverage Box Keysafe to create consistent processes and better secure data — even at sensitive locations like nuclear facilities and during the acquisition planning phase of an M&A effort. Putting Box Governance in place is giving Vistra even more control over content.

OUTCOME

Box gives Vistra's workforce the user experience they expect and has saved the company money as it's retired expensive subscription-based tools. Processes across lines of business are now poised for automation, and all content is in compliance with FedRAMP and other regulations. Plus, cloud-based infrastructure means content processes scale as the company grows.

Technology has gradually been transitioning the entire workforce over to one central content platform with which a lot of the existing collaboration tools integrate well: Box.

"Box started as a grassroots effort by some of the folks on our political affairs team in order to share information with external consultants," Pelosi explains. "But as additional folks heard it was there, it became, 'Oh!, we could also use that for other teams.'"

The initial Box test case of about 250 people was so successful that, within a year, the number of users had bumped up to 1,000. Now, when Vistra acquires a new team, incoming employees are given "birthright access" to Box on day one. This practice is scaling up the number of Box users dramatically, and Box has become the de facto content layer of the company's digital work processes.

An early group that migrated to Box was a marketing team using an expensive file-sharing tool for digital asset management. The tool was robust, but it wasn't delivering a lot of value because the team simply didn't use most of its features. IT helped the team move their entire repository of graphical assets to the cloud into Box, saving the company a tremendous amount of money in subscription costs for an underutilized file-sharing tool.

The regulatory response organization within Vistra has to keep a close eye on governance and retention policies, and over time, their network shared drive space had run out. Accessing files on this drive was not easy, either, since users had to be onsite and connected to the network. IT migrated these assets to Box, using Box Governance to better manage content and stay in compliance.

https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

83.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '607 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

COUNT FOUR

INFRINGEMENT OF U.S. PATENT NO. 10,642,787

84.   Plaintiff incorporates paragraphs 1 through 83 as though fully set forth herein.

85.   Plaintiff is the owner, by assignment of U.S. Patent No. 10,642,787 (the "'787 Patent"), entitled "Pre-file-transfer update based on prioritized metadata" issued on May 5, 2020. A copy of the '787 Patent is attached as Exhibit 4.

86.   The '787 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is automatically transferred to other devices with higher priority before a copy of the modified electronic file is transferred to the

other devices, which causes a user interface of the other devices to indicate the updated version

of the modified electronic file.

87.   Plaintiff is the owner by assignment of all rights, title, and interest in and to

the '787 Patent, including the right to assert all causes of action arising under the '787 Patent and

the right to all remedies for the infringement of the '787 Patent.

88.   For example, claim 1 of the '787 Patent states:

1.   A system comprising:

a server system comprising one or more processors programmed with computer

        program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated

        with a user, wherein the copy of the first file is automatically received from

        the first client device responsive to the user modifying a content of the first

        file stored on the first client device, the copy of the first file being an updated

        version of the first file that is generated from the user modifying the content

        of the first file;

receive, over a network, from the first client device, first metadata associated with

        the updated version of the first file that is generated from the user modifying

        the content of the first file, the first metadata being assigned a first priority

        greater than a second priority assigned to the copy of the first file; and

automatically transfer, based on the first priority being greater than the second

        priority, the first metadata over a network to a second client device associated

        with the user such that the first metadata is transferred to the second client

        device before the copy of the first file is transferred to the second client

        device,

wherein, before the copy of the first file is transferred to the second client device:

(i) the transfer of the first metadata to the second client device causes a file representation of the first file presented on a user interface of the second client device to be updated based on the first metadata, and

(ii) instead of the updated file representation of the first file representing a version of the first file currently stored on the second client device, the updated file representation represents the updated version of the first file that is currently stored on the first client device and not currently stored on the second client device, and

wherein at least one of the server system or the first client device comprises a priority assignment configuration to assign greater priority to metadata associated with files than priority assigned to the files such that at least one of the server system or the first client device assigns the first priority to the first metadata and the second priority to the copy of the first file based on the priority assignment configuration.
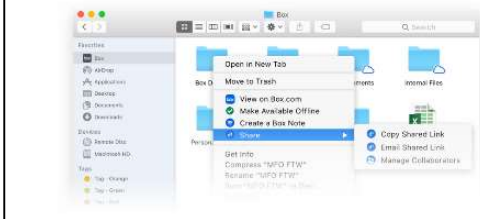
DEFENDANT BOX

89.   In addition to the description in paragraphs 72-77, Box's server system comprises one or more processors running Box server software, and Box's file sharing software running on a first client device and a second client device configure the first client device and the second client device to sync with each other. When a user modifies a content of a first file stored on the first client device, Box's server system receives metadata, with higher priority, about the modified first file from the first client device, and automatically transfers the metadata to the second client device before a copy of the modified first file, with lower priority, is transferred to the second client device.

90.   Based on the higher-priority metadata transferred from the Box server system to the second client device, a file representation of the first file presented on a Box user interface of the second client device is updated, before the copy of the modified first file is transferred to the second client device. The updated file representation represents the updated version of the first file that is currently stored on the first client device and not currently stored on the second client device.

91.   Based on the metadata being assigned higher priority than the copy of the first file, the status of Box Sync or Box Drive folder at the first client device is updated before the modified file is uploaded to the Box's servers. Box provides the following icons that indicate the status of the files and folders:

Box Drive Icons and File or Folder Status

Box Drive icons tell you at a glance the status of your files and folders. Here's what they represent:

☁	Item is up-to-date in Box.
❗	Item is a problem item. More information on problem items and how to resolve them.
🔄	Item is in the process of being saved to Box.
🔒	Item has been locked.
✅	Item is marked for offline access.

visited December 16, 2021)

(last visited December 16, 2021)

92.   When the modified file is uploaded to the Box's server system, Box's server

system first transfers the metadata associated with the modified file to the second client device to

notify that there is an updated version of the file that is available for download. Box displays a

dialog box with a refresh button to prompt the user to download the new version of the file. Once

the Box page is refreshed, the updated version is downloaded to the second client device. See

e.g., the following screenshot image of a personal Box account user:

A new version of "Presentation2.pptx" was just uploaded. Would you like to refresh the page?
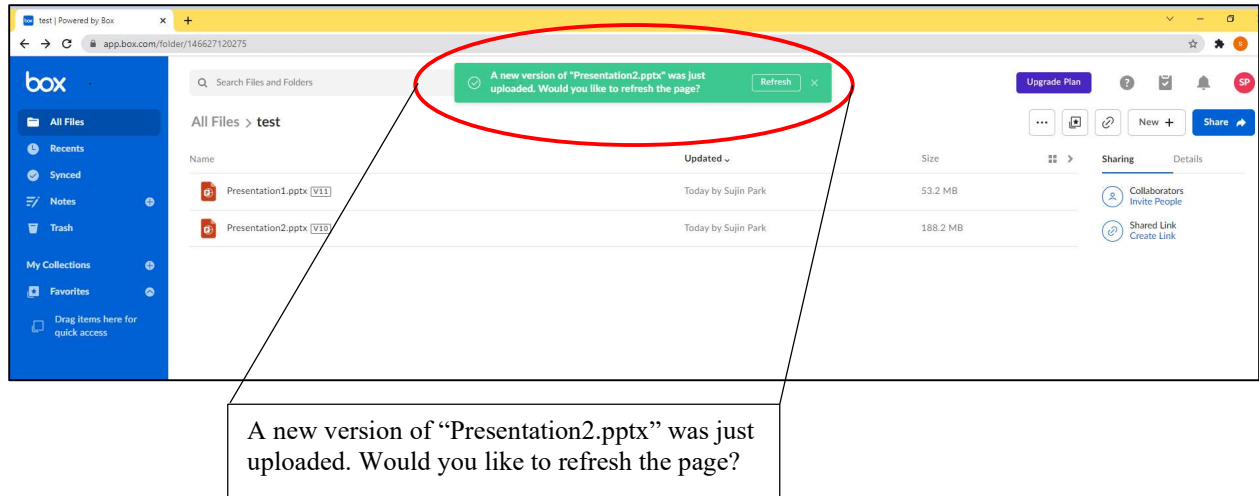
93.   As described previously, Box's server system has a configuration to assign greater priority to metadata than priority assigned to the files. Box's notification system enforces a priority system where changes to file metadata are propagated faster than, and downloaded by other client devices before, changes to file content.

94.   On information and belief, Box has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '787 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Box products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Box products and services interact with Box servers to perform file sync operations.

95.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '787 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Box products and services in the United States to its customers and prospective customers. On information and belief Box has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '787 Patent and knowledge that its acts are encouraging infringement.

96.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '787 Patent under 35 U.S.C. § 271(c), because Box has had, and continues to have, knowledge that its Box products are especially developed or adapted for a use that infringes the '787 Patent and constitute a material part of the claimed systems and methods. Box has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Box has infringed and continues to infringe the '787 Patent directly and/or indirectly in violation of 35 U.S.C. § 271(c).

DEFENDANT SAILPOINT

97.   SailPoint makes and sells valued added integration services and products for Box's online document storage and synchronization products and services, including those products and services that infringe Plaintiff's patents identified above, through Box's online platforms and mobile applications to customers, which practice each and every limitation of one or more claims of the '787 patent.

98.   More specifically, SailPoint's Identity Governance Platform provides identity governance solutions that are integrated with Box products and services, enabling users of Box products and services to, among other things, control user access, identify sensitive data, and monitor for malicious behavior.

How does SailPoint integrate with Box?

SailPoint collects and analyzes the data and file permissions in Box to identify sensitive data and who has access to it. We can also alert you about inappropriate access to help you maintain security.

Examples

Data discovery and classification ▸

Permission analysis ▸

Access monitoring and alerting ▸

Do you have files in Box that could be a compliance risk?

SailPoint's integration with Box helps you identify sensitive information, manage data ownership and alert you to any suspicious access activity. As more people collaborate and share information in the cloud, protecting access to your Box files has never been more important.

- Find and address your compliance gaps
- Ensure consistent governance across all data types
- Be alerted if inappropriate access is detected
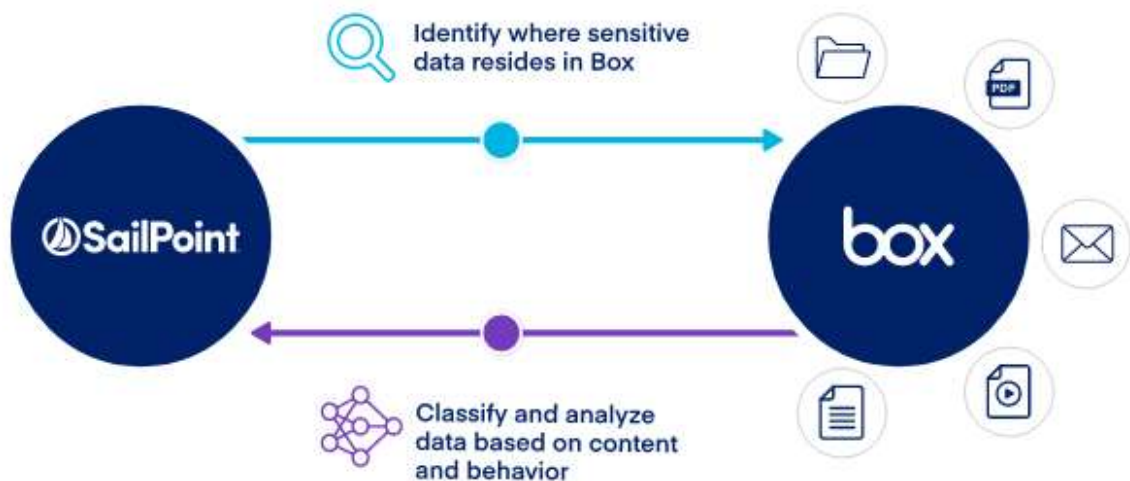- Minimize exposure to data leakage

box

Learn more

How identity governance helps ensure GDPR compliance ▸

Governing unstructured data and data access ▸

Watch our Box integration demo ▸

Identify where sensitive data resides in Box

Classify and analyze data based on content and behavior

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

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99.   On information and belief, SailPoint, in order to develop, support, and provide its identity governance solutions, has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '787 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with SailPoint interact with Box servers to perform file sync operations.

DEFENDANT VISTRA

100.   Vistra uses Box's online document storage and synchronization products and services, including those products and services that infringe Plaintiff's patents identified above, through Box's online platforms and mobile applications to customers, which practice each and every limitation of one or more claims of the '787 patent.

101.   On its website, Box identifies Vistra as a user of Box's products and services.

PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

SOLUTION

By migrating content to the cloud on a central platform with Box, Vistra can now leverage Box Keysafe to create consistent processes and better secure data — even at sensitive locations like nuclear facilities and during the acquisition planning phase of an M&A effort. Putting Box Governance in place is giving Vistra even more control over content.

OUTCOME

Box gives Vistra's workforce the user experience they expect and has saved the company money as it's retired expensive subscription-based tools. Processes across lines of business are now poised for automation, and all content is in compliance with FedRAMP and other regulations. Plus, cloud-based infrastructure means content processes scale as the company grows.

Technology has gradually been transitioning the entire workforce over to one central content platform with which a lot of the existing collaboration tools integrate well: Box.

"Box started as a grassroots effort by some of the folks on our political affairs team in order to share information with external consultants," Pelosi explains. "But as additional folks heard it was there, it became, 'Oh!, we could also use that for other teams.'"

The initial Box test case of about 250 people was so successful that, within a year, the number of users had bumped up to 1,000. Now, when Vistra acquires a new team, incoming employees are given "birthright access" to Box on day one. This practice is scaling up the number of Box users dramatically, and Box has become the de facto content layer of the company's digital work processes.

An early group that migrated to Box was a marketing team using an expensive file-sharing tool for digital asset management. The tool was robust, but it wasn't delivering a lot of value because the team simply didn't use most of its features. IT helped the team move their entire repository of graphical assets to the cloud into Box, saving the company a tremendous amount of money in subscription costs for an underutilized file-sharing tool.

The regulatory response organization within Vistra has to keep a close eye on governance and retention policies, and over time, their network shared drive space had run out. Accessing files on this drive was not easy, either, since users had to be onsite and connected to the network. IT migrated these assets to Box, using Box Governance to better manage content and stay in compliance.

https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

102.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '787 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

COUNT FIVE

INFRINGEMENT OF U.S. PATENT NO. 10,754,823

103.   Plaintiff incorporates paragraphs 1 through 102 as though fully set forth herein.

104.   Plaintiff is the owner, by assignment of U.S. Patent No. 10,754,823 (the "'823 Patent"), entitled "Pre-file-transfer availability indication based on prioritized metadata" issued on August 25, 2020. A copy of the '823 Patent is attached as Exhibit 5.

105.   The '823 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is automatically transferred to other devices with higher priority, which causes a graphical availability indication of the updated version of the modified electronic file to be presented on the other devices, and subsequently the copy of the modified electronic file is transferred to the other devices.

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106.   Plaintiff is the owner by assignment of all rights, title, and interest in and to

the '823 Patent, including the right to assert all causes of action arising under the '823 Patent and

the right to all remedies for the infringement of the '823 Patent.

107.   For example, claim 1 of the '823 Patent states:

1.   A system comprising:

a server system comprising one or more processors programmed with computer

      program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated

      with a user, wherein the copy of the first file is automatically received from

      the first client device responsive to the user modifying a content of the first

      file stored on the first client device, the copy of the first file being an updated

      version of the first file that is generated from the user modifying the content

      of the first file;

receive, over a network, from the first client device, first metadata associated with

      the updated version of the first file that is generated from the user modifying

      the content of the first file, the first metadata being assigned a first priority

      greater than a second priority assigned to the copy of the first file;

automatically transfer, based on the first priority being greater than the second

      priority, the first metadata over a network to a second client device associated

      with the user such that the first metadata is transferred to the second client

      device before the copy of the first file is transferred to the second client

      device,

wherein, before the copy of the first file is transferred to the second client device:

(i) the transfer of the first metadata to the second client device causes a

graphical availability indication of the updated version of the first file to be

presented at the second client device based on the first metadata, and

(ii) the graphical availability indication is presented proximate a file icon

representing the first file on a user interface of the second client device, and

wherein the graphical availability indication indicates that the updated version of

the first file generated from the user modifying the content of the first file is

available to be downloaded from the server system to the second client device;

and

subsequent to the transfer of the first metadata to the second client device, transfer

the copy of the first file to the second client device,

wherein at least one of the server system or the first client device comprises a

priority assignment configuration to assign greater priority to metadata

associated with files than priority assigned to the files such that at least one

of the server system or the first client device assigns the first priority to the

first metadata and the second priority to the copy of the first file based on the
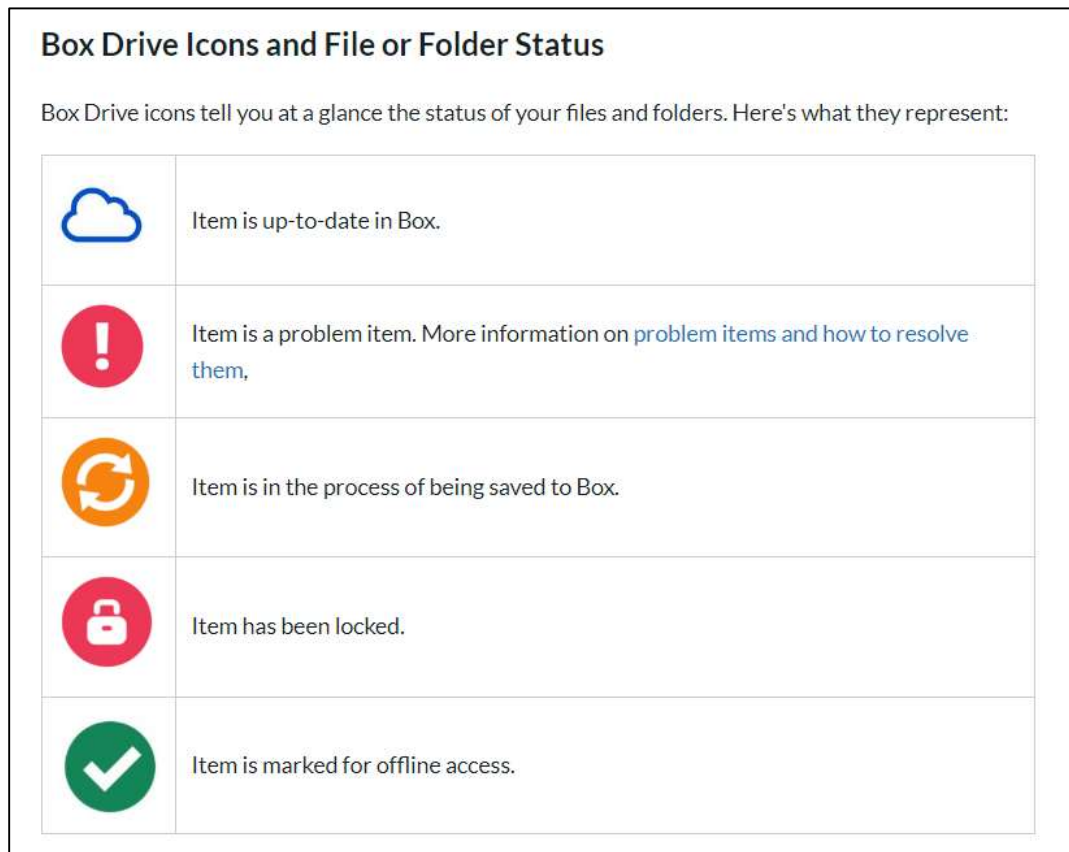
priority assignment configuration.

DEFENDANT BOX

108.   In addition to the description in paragraphs 89-96, Box's server system comprises

one or more processors running Box server software, and Box's file sharing software running on

a first client device and a second client device configure the first client device and the second

client device to sync with each other. When a user modifies a content of a first file stored on the

first client device, Box's server system receives metadata, with higher priority, about the

modified first file from the first client device, and automatically transfers the metadata to the

second client device before a copy of the modified first file, with lower priority, is transferred to

the second client device.

109.   Based on the higher-priority metadata transferred from the Box server system to

the second client device, a graphical availability indication of the updated version of the first file

is presented proximate a file icon representing the first file on a Box user interface of the second

client device, before the copy of the modified first file is transferred to the second client device.

The graphical availability indication represents that the updated version of the first file is

available to be downloaded from the Box server system to the second client device.

110.   Based on the metadata downloaded from Box's servers to the second client

device, and prior to receiving the modified file, graphical availability indications are presented

proximate to file icons on Box user interface of the second client device to indicate that the

updated version is available for download.

Box Drive Icons and File or Folder Status

Box Drive icons tell you at a glance the status of your files and folders. Here's what they represent:

☁	Item is up-to-date in Box.
❗	Item is a problem item. More information on problem items and how to resolve them,
🔄	Item is in the process of being saved to Box.
🔒	Item has been locked.
✅	Item is marked for offline access.

The blue cloud icon beside a file or folder indicates the item is safely stored and up to date in Box. Add or update a file or folder in Box Drive, and the icon changes to an orange syncing icon. The icon also displays as syncing when Box Drive is uploading changes you made to files offline. When the sync completes the icon resets to the blue cloud.
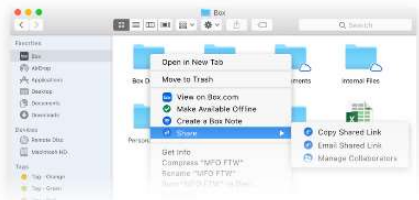
https://support.box.com/hc/en-us/articles/360043697494-Using-Box-Drive-Basics (last visited December 16, 2021)

111.   Subsequent to the metadata transfer, and in response to a page refresh, Box's server system transfers the modified file to the linked device. In response to the Box page being refreshed and the updated version being downloaded, Box's server system displays the version number of the modified file indicating the updated version. Box overwrites the old version with the new version.

112.   On information and belief, Box has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '823 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Box products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Box products and services interact with Box servers to perform file sync operations.

113.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '823 Patent under 35 U.S.C. § 271(b) based on its active marketing and promotion of its Box products and services in the United States to its customers and prospective customers. On information and belief Box has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '823 Patent and knowledge that its acts are encouraging infringement.

114.   On information and belief, Box is liable for infringement, literally and/or under

the doctrine of equivalents, of one or more claims of the '823 Patent under 35 U.S.C. § 271(c),

because Box has had, and continues to have, knowledge that its Box products are especially

developed or adapted for a use that infringes the '823 Patent and constitute a material part of the

claimed systems and methods. Box has had, and continues to have, knowledge that there are no

substantial non-infringing uses for these Products. Box has infringed and continues to infringe

the '823 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

DEFENDANT SAILPOINT

115.   SailPoint makes and sells valued added integration services and products for

Box's online document storage and synchronization products and services, including those

products and services that infringe Plaintiff's patents identified above, through Box's online

platforms and mobile applications to customers, which practice each and every limitation of one

or more claims of the '823 patent.

116.   More specifically, SailPoint's Identity Governance Platform provides identity

governance solutions that are integrated with Box products and services, enabling users of Box

products and services to, among other things, control user access, identify sensitive data, and

monitor for malicious behavior.

How does SailPoint integrate with Box?

SailPoint collects and analyzes the data and file permissions in Box to identify sensitive data and who has access to it. We can also alert you about inappropriate access to help you maintain security.

Examples

Data discovery and classification	▶
Permission analysis	▶
Access monitoring and alerting	▶

Do you have files in Box that could be a compliance risk?

SailPoint's integration with Box helps you identify sensitive information, manage data ownership and alert you to any suspicious access activity. As more people collaborate and share information in the cloud, protecting access to your Box files has never been more important.

- Find and address your compliance gaps
- Ensure consistent governance across all data types
- Be alerted if inappropriate access is detected
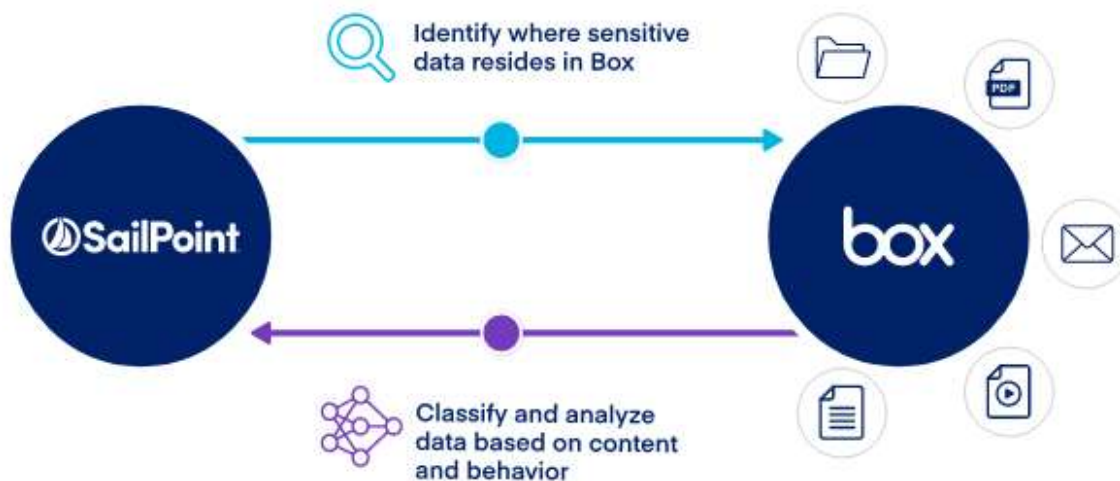- Minimize exposure to data leakage

box

Learn more

How identity governance helps ensure GDPR compliance	▶
Governing unstructured data and data access	▶
Watch our Box integration demo	▶

Identify where sensitive data resides in Box

SailPoint ⟶ box

Classify and analyze data based on content and behavior

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

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117.   On information and belief, SailPoint, in order to develop, support, and provide its identity governance solutions, has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '823 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with SailPoint interact with Box servers to perform file sync operations.

DEFENDANT VISTRA

118.   Vistra uses Box's online document storage and synchronization products and services, including those products and services that infringe Plaintiff's patents identified above, through Box's online platforms and mobile applications to customers, which practice each and every limitation of one or more claims of the '823 patent.

119.   On its website, Box identifies Vistra as a user of Box's products and services.

PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

SOLUTION

By migrating content to the cloud on a central platform with Box, Vistra can now leverage Box Keysafe to create consistent processes and better secure data — even at sensitive locations like nuclear facilities and during the acquisition planning phase of an M&A effort. Putting Box Governance in place is giving Vistra even more control over content.

OUTCOME

Box gives Vistra's workforce the user experience they expect and has saved the company money as it's retired expensive subscription-based tools. Processes across lines of business are now poised for automation, and all content is in compliance with FedRAMP and other regulations. Plus, cloud-based infrastructure means content processes scale as the company grows.

Technology has gradually been transitioning the entire workforce over to one central content platform with which a lot of the existing collaboration tools integrate well: Box.

"Box started as a grassroots effort by some of the folks on our political affairs team in order to share information with external consultants," Pelosi explains. "But as additional folks heard it was there, it became, 'Oh!, we could also use that for other teams.'"

The initial Box test case of about 250 people was so successful that, within a year, the number of users had bumped up to 1,000. Now, when Vistra acquires a new team, incoming employees are given "birthright access" to Box on day one. This practice is scaling up the number of Box users dramatically, and Box has become the de facto content layer of the company's digital work processes.

An early group that migrated to Box was a marketing team using an expensive file-sharing tool for digital asset management. The tool was robust, but it wasn't delivering a lot of value because the team simply didn't use most of its features. IT helped the team move their entire repository of graphical assets to the cloud into Box, saving the company a tremendous amount of money in subscription costs for an underutilized file-sharing tool.

The regulatory response organization within Vistra has to keep a close eye on governance and retention policies, and over time, their network shared drive space had run out. Accessing files on this drive was not easy, either, since users had to be onsite and connected to the network. IT migrated these assets to Box, using Box Governance to better manage content and stay in compliance.

https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

120.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '823 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

COUNT SIX

INFRINGEMENT OF U.S. PATENT NO. 11,003,622

121.   Plaintiff incorporates paragraphs 1 through 120 as though fully set forth herein.

122.   Plaintiff is the owner, by assignment of U.S. Patent No. 11,003,622 (the "'622 Patent"), entitled "Architecture For Management of Digital Files Across Distributed Network" issued on May 11, 2021. A copy of the '622 Patent is attached as Exhibit 6.

123.   The '622 Patent is generally directed to systems and methods for sharing electronic files between multiple devices, wherein when a user modifies an electronic file on a device, metadata associated with the modified electronic file is first automatically transferred to other devices with higher priority and a copy of the modified file is automatically transferred to the other devices to replace an older version of the electronic file stored on the other devices.

124.   Plaintiff is the owner by assignment of all rights, title, and interest in and to the '622 Patent, including the right to assert all causes of action arising under the '622 Patent and the right to all remedies for the infringement of the '622 Patent.

125.   For example, claim 1 of the '622 Patent states:

1.   A system comprising:

a server system comprising one or more processors programmed with computer program instructions that, when executed, cause the server system to:

receive, over a network, a copy of a first file from a first client device associated with a user, wherein the copy of the first file is automatically received from the first client device responsive to the user modifying a content of the first file stored on the first client device, the copy of the first file being a version of the first file that is generated from the user modifying the content of the first file;

store the copy of the first file on the server system;

receive, from the first client device, first metadata associated with the version of the first file that is generated from the user modifying the content of the first file, the first metadata being assigned a first priority greater than a second priority assigned to the copy of the first file;

automatically transfer, based on the first priority being greater than the second priority, the first metadata to the second client device such that the first metadata is transferred to the second client device prior to the copy of the first file being transferred to the second client device; and

automatically transfer, over a network, the copy of the first file to the second client device associated with the user to replace an older version of the first file

stored on the second client device, responsive to receiving the copy of the first

file from the first client device.

DEFENDANT BOX

126.   In addition to the description in paragraphs 108-114, Box's server system

comprises one or more processors running Box server software, and Box's file sharing software

running on a first client device and a second client device configure the first client device and the

second client device to sync with each other. When a user modifies a content of a first file stored

on the first client device, Box's server system receives metadata, with higher priority, about the

modified first file from the first client device, and automatically transfers the metadata to the

second client device before a copy of the modified first file, with lower priority, is transferred to

the second client device. Subsequently, Box's server system automatically transfers the copy of

the modified first file to the second client device to replace an older version of the first file stored

on the second client device.

127.   When the modified file is uploaded to Box's server system, Box user interface

prompts the second client device to receive the updated version of the modified file.

128.   Once the updated version is received at the second client device, the updated

version overwrites the older version of the file previously stored on the second client device.
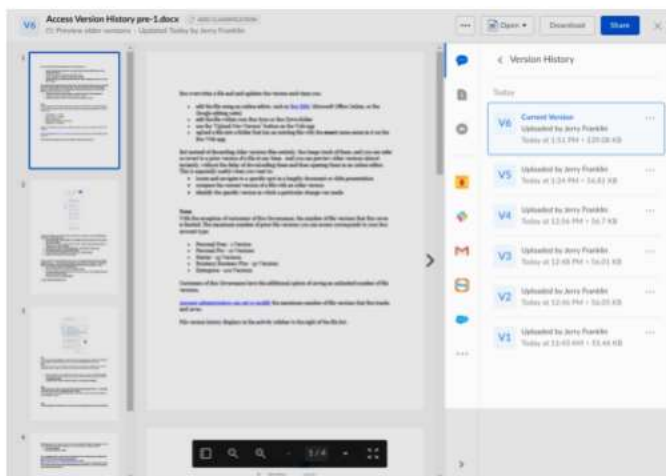
Box's server system keeps track of file versions of the file:

> Box overwrites a file and and updates the version each time you:
>
> - edit the file using an online editor, such as Box Edit, Microsoft Office Online, or the Google editing suite)
> - edit the file within your Box Sync or Box Drive folder
> - use the **Upload New Version** button on the Web app
> - upload a file into a folder that has an existing file with the **exact** same name in it on the Box Web app.

https://support.box.com/hc/en-us/articles/360043697054-Accessing-Version-History (last

visited December 16, 2021)

https://support.box.com/hc/en-us/articles/360043697054-Accessing-Version-History (last visited December 16, 2021)

129.   On information and belief, Box has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '622 Patent under 35 U.S.C. § 271(a) by developing, manufacturing, distributing, operating, using, selling, and/or offering to sell Box products and services in the United States without authority. Included in these acts of infringement are situations where devices owned by users and customers of Box products and services interact with Box servers to perform file sync operations.

130.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '622 Patent under 35 U.S.C. § 271(b)

based on its active marketing and promotion of its Box products and services in the United States to its customers and prospective customers. On information and belief Box has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '622 Patent and knowledge that its acts are encouraging infringement.

131.   On information and belief, Box is liable for infringement, literally and/or under the doctrine of equivalents, of one or more claims of the '622 Patent under 35 U.S.C. § 271(c), because Box has had, and continues to have, knowledge that its Box products are especially developed or adapted for a use that infringes the '622 Patent and constitute a material part of the claimed systems and methods. Box has had, and continues to have, knowledge that there are no substantial non-infringing uses for these Products. Box has infringed and continues to infringe the '622 Patent directly and/or indirectly in violation of 35 U.S.C. § 271.

DEFENDANT SAILPOINT

132.   SailPoint makes and sells valued added integration services and products for Box's online document storage and synchronization products and services, including those products and services that infringe Plaintiff's patents identified above, through Box's online platforms and mobile applications to customers, which practice each and every limitation of one or more claims of the '622 patent.

133.   More specifically, SailPoint's Identity Governance Platform provides identity governance solutions that are integrated with Box products and services, enabling users of Box products and services to, among other things, control user access, identify sensitive data, and monitor for malicious behavior.

How does SailPoint integrate with Box?

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Examples

Data discovery and classification ▶

Permission analysis ▶

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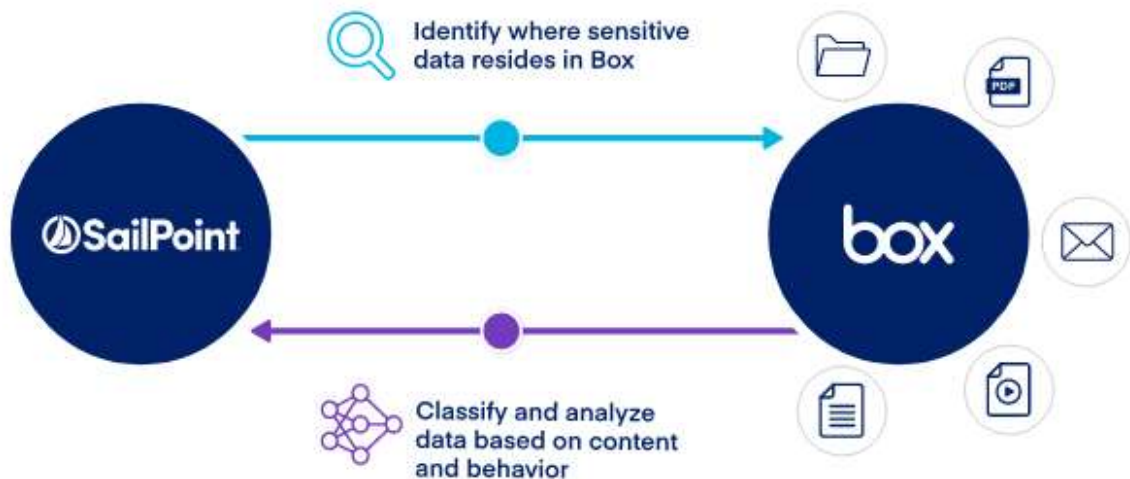- Minimize exposure to data leakage

box

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Watch our Box integration demo ▶

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Classify and analyze data based on content and behavior

https://www.sailpoint.com/integrations/box/ (last visited December 16, 2021)

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134.   On information and belief, SailPoint, in order to develop, support, and provide its

identity governance solutions, has directly infringed and continues to infringe, literally and/or

under the doctrine of equivalents, one or more claims of the '622 Patent under 35 U.S.C. §

271(a) by using Box products and services in the United States and abroad without authority.

Included in these acts of infringement are situations where devices associated with SailPoint

interact with Box servers to perform file sync operations.

DEFENDANT VISTRA

135.   Vistra uses Box's online document storage and synchronization products

and services, including those products and services that infringe Plaintiff's patents

identified above, through Box's online platforms and mobile applications to customers,

which practice each and every limitation of one or more claims of the '622 patent.

136.   On its website, Box identifies Vistra as a user of Box's products and

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PROBLEM

Vistra Energy is growing quickly through both organic means and acquisitions. Over an 18-month period, Vistra expanded from operating in Texas to 20 states, the District of Columbia, Japan, and Canada. Rapid growth makes for rapidly changing processes as a diverse workforce assembles across geographic locations.

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https://www.box.com/customers/vistra-energy (last visited December 16, 2021)

137.   On information and belief, Vistra has directly infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '622 Patent under 35 U.S.C. § 271(a) by using Box products and services in the United States and abroad without authority. Included in these acts of infringement are situations where devices associated with Vistra interact with Box servers to perform file sync operations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgement against the Defendants:

a. Declaring that the Defendants have infringed the '561, '942, '607, '787, '823, and '622 Patents;

b. Awarding Plaintiff its damages suffered as a result of the Defendants' infringement of the '561, '942, '607, '787, '823, and '622 Patents, including pre-judgement and post-judgement interest and supplemental damages for any continuing post-verdict or post-judgement infringement with an accounting as needed;

c. An order enjoining Defendants, their officers, agents, employees, attorneys, and all other persons or entities acting in concert, participation or in privity with one or more

of them, and their successors and assigns, from infringing

the '561, '942, '607, '787, '823, and '622 Patents;

d. A judgment declaring that this is an exceptional case and awarding Plaintiff's

reasonable attorneys' fees and costs in this action, as provided by 35 U.S.C. § 285;

e. A judgment, declaration or order that Defendant's infringement is willful and

increasing damages under 35 U.S.C. § 284;

f. Awarding Plaintiff its costs, attorney's fees, expenses, and interest; and

g. Granting Plaintiff such further relief which may be requested and as the Court find

appropriate.

DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable in this Complaint.

Dated: December 29, 2021   Respectfully submitted,

                                                 /s/ Raymond W. Mort, III
                                                 Raymond W. Mort, III
OF COUNSEL: Texas State Bar No. 00791308
                                                 raymort@austinlaw.com

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