

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

MOTION OFFENSE, LLC,

Plaintiff

v.

DROPBOX, INC.

Defendant.

Civil Action No.: 6:23-cv-303-DC-DTG

JURY TRIAL DEMANDED

PATENT CASE

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Motion Offense, LLC (“Motion Offense” or “Plaintiff”), files this First Amended Complaint against Dropbox, Inc. (“Dropbox” or “Defendant”) seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 211 West Tyler Street, Suite C, Longview, Texas, 75601.

2. Defendant Dropbox is a Delaware corporation with a physical address at 501 Congress Ave, Austin, TX 78701. Dropbox may be served with process through its registered agent, the Corporation Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701. Dropbox is registered to do business in the State of Texas and has been since at least October 3, 2013.

3. This Court has personal jurisdiction over Dropbox at least because Dropbox regularly conducts and transacts business, including infringing acts described herein, in this District.

4. Defendant conducts business in Texas, directly or through intermediaries and offer products or services, including those accused herein of infringement, to customers, and potential customers located in Texas, including in the Western District of Texas.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. §101, et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Dropbox maintains an established place of business in the state of Texas and the Western District of Texas, specifically, including an office at 501 Congress Ave, Austin, TX 78701.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, because Defendant conducts substantial business in this forum, including: (i) making, using, selling, importing, and/or offering for sale one or more cloud-based applications, but not limited to Dropbox Products, stored and/or hosted on one or more servers owned or under the control of Dropbox; (ii) making, using, selling, importing, and/or offering for sale software for smartphones, tablets, and other computing devices (e.g., laptops, desktops, Chromebooks, etc.); or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to citizens and residents in Texas and in this District.

THE PATENT IN SUIT

8. On February 26, 2021, Robert Paul Morris filed United States Patent Application No. 17/187,621 (“the ’621 Application”). The ’621 Application was duly examined and issued as United States Patent No. 11,611,520 (“the ’520 patent”) (entitled “Methods, Systems, and Computer Program Products for Processing a Data Object Identification Request in a Communication”), on March 21, 2023.

9. Motion Offense is the owner of the ’520 patent and has the full and exclusive right to bring actions and recover past, present, and future damages for Dropbox’s infringement of the ’520 patent.

10. The ’520 patent is valid and enforceable. A true and correct copy of the ’520 patent is attached hereto as Exhibit 1.

11. Motion Offense has not practiced any claimed invention of the ’520 patent.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 11,611,520

12. The allegations set forth in the foregoing paragraphs 1 through 11 are incorporated into this Claim for Relief.

13. The ’520 patent describes and claims systems and methods which make data sharing more rapid and efficient by allowing for the “processing a data object identification request in communication.” (’520 patent, Ex. 1 at 2:13-15.)

14. Among the specific technologic improvements to devices and methods for making data sharing more rapid and efficient, the ’520 patent describes systems and methods for “receiv[ing] . . . data object information ” *See, e.g.*, ’520 patent, Ex. 1 at 27:51-53 and 27:61-28:2 (“[A] system for processing a data object identification request in a communication includes means for sending, according to a first communications protocol via a network in a communication to a

second communications agent in a second execution environment representing a second user, a first message including a data object identification request based on the data object matching criterion, wherein the first message is addressed to the second user.”) Figure 7 of the ’520 patent, reproduced below, illustrates an exemplary data and execution flow for processing a data object identification request in a communication according to an aspect of the subject matter described in the ’520 patent:

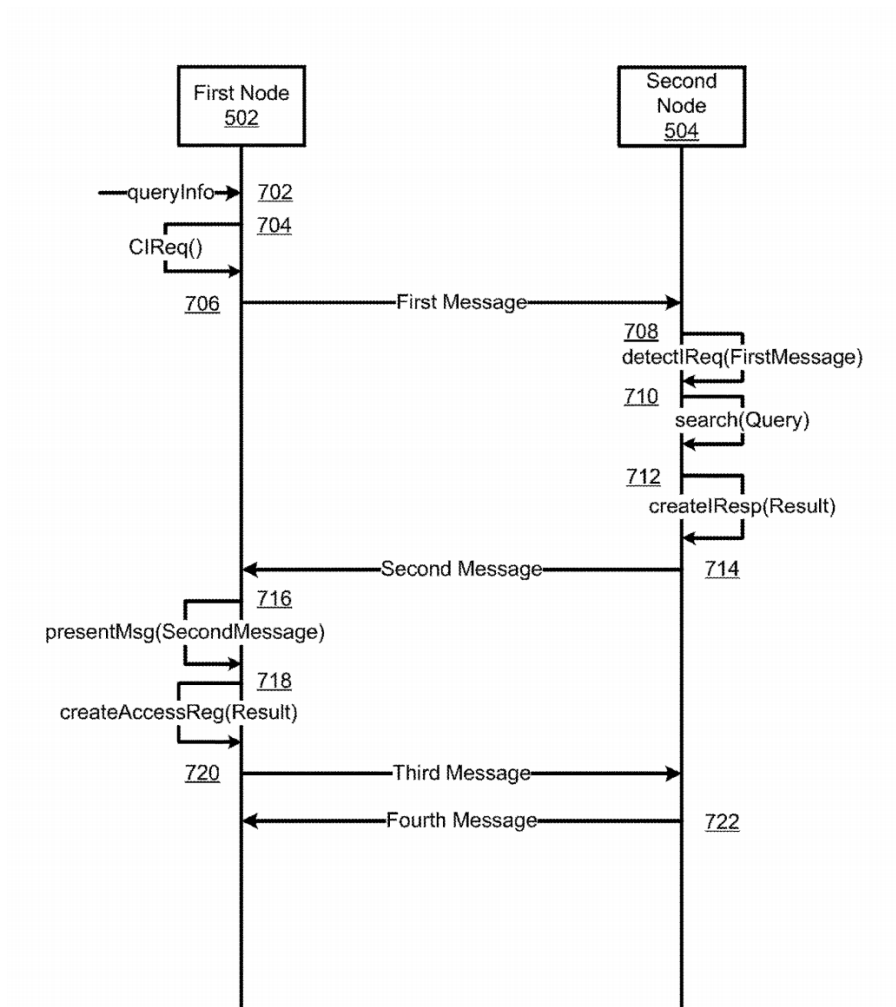


FIG. 7

(’520 patent, Ex. 1, Fig. 7.)

15. The claims of the '520 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '520 patent recite one or more inventive concepts that are rooted in computerized data sharing technology, and overcome problems specifically arising in the realm of computerized data sharing technologies.

16. The claims of the '520 patent recite an invention that is not merely the routine or conventional use of data sharing systems and methods. Instead, the invention describes systems and methods which make data sharing more rapid and efficient.

17. The technology claimed in the '520 patent does not preempt all ways of using data sharing tools nor preempt the use of all data sharing tools, nor preempt any other well-known or prior art technology.

18. Accordingly, each claim of the '520 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

19. The '520 patent includes 24 claims. ('520 patent, Ex. 1 at cols. 49-57.)

20. Dropbox has been and continues directly infringing, either literally or under the doctrine of equivalents, at least claim 17 of the '520 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Dropbox website (https://www.dropbox.com/?_hp=b&landing=dbv2) and servers, and other Dropbox products (together, the "Accused Instrumentalities"). *See* Claim Charts for the '520 patent, Exhibit 2. As demonstrated by the attached claim chart, each and every element of claim 17 of the '520 patent is found in the Accused Instrumentalities.

21. In addition to directly infringing the '520 method claims, Dropbox also indirectly infringes the '520 claims. Where acts constituting direct infringement of the '520 patent are not performed by Dropbox, such acts constituting direct infringement of the '520 patent are performed by Dropbox's customers or end-users (the direct infringers) who act at the direction and/or control of Dropbox, with Dropbox's knowledge. Upon information and belief, Dropbox intends to cause, and has taken affirmative steps to induce, infringement by its enterprise customers, end users, and other related service providers by at least, *inter alia*, creating advertisements that promote the infringing use of the Accused Instrumentalities, manufacturing the Accused Instrumentalities in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for the Accused Instrumentalities to customers and prospective customers, and/or providing technical support or services for the Accused Instrumentalities to customers in the United States. See, e.g., https://aem.dropbox.com/cms/content/dam/dropbox/www/en-us/help/onboarding-guide/new_dropbox-business-deployment-guide-072018.pdf (last accessed July 26, 2023); https://aem.dropbox.com/cms/content/dam/dropbox/www/en-us/business/app-integrations/atlassian/dropbox_atlassian-jira_solution_brief_2018.pdf (last accessed July 26, 2023); <https://investors.dropbox.com/static-files/51a64b81-6879-4d70-9ed2-a05b8d785db4> (last accessed July 26, 2023); https://assets.dropbox.com/dmep/en-us/assets/pdfs/TEI_of_Dropbox_2022_10_12_Final.pdf (last accessed July 26, 2023); https://assets.dropbox.com/www/en-us/business/solutions/solutions/dfb_security_whitepaper.pdf (last accessed July 26, 2023); <https://assets.dropbox.com/documents/en-us/marketing/dropbox-redesign-admin-guide.pdf> (last accessed July 26, 2023); [6](https://aem.dropbox.com/cms/content/dam/dropbox/www/en-us/landing-pages/services-</p>
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certification/dropbox_ebook_product_expertise_dec2017.pdf (last accessed July 26, 2023); <https://www.youtube.com/watch?v=U32Hb5XV6tM> (last accessed July 26, 2023).

22. For example, Dropbox advertises to its customers that the Accused Instrumentalities allow a user to share a folder with others. See, e.g., <https://www.youtube.com/watch?v=HYgJ6j1STcA> (last accessed July 26, 2023); <https://assets.dropbox.com/documents/en-us/marketing/dropbox-redesign-admin-guide.pdf> (last accessed July 26, 2023); https://assets.dropbox.com/www/en-us/business/solutions/solutions/dfb_security_whitepaper.pdf (last accessed July 26, 2023). Dropbox also instructs its customers on how to select the folder to be shared and initiate the creation and sending of an email notifying the recipient of the shared folder. See, e.g., <https://www.youtube.com/watch?v=QZwBRBN4x4I> (last accessed July 26, 2023).

23. Dropbox also instructs its users on how to access a shared folder from within a received email message. See, e.g., <https://www.youtube.com/watch?v=QZwBRBN4x4I> (last accessed July 26, 2023). Dropbox further instructs its users on how to utilize the Smart Sync feature within the Dropbox desktop application to view representations of folders shared with them, without automatically downloading the entire contents of the shared folder to the user's local desktop. See, e.g., https://assets.dropbox.com/documents/en-us/marketing/SmartSync_tips_and_tricks_March_2018.pdf (last accessed July 26, 2023).

24. Thus, with full knowledge of the '520 patent, Dropbox induces its customers and end users to directly infringe the '520 patent by using the Accused Instrumentalities to perform the infringing methods.

25. Dropbox's acts of infringement have occurred and continue to occur within this District and elsewhere throughout the United States.

26. Dropbox has had knowledge of the '520 patent at least as early as the commencement of this action, April 24, 2023.

27. Dropbox's infringement of the asserted claims of the '520 patent is ongoing.

28. Motion Offense has been harmed by Dropbox's infringing activities with respect to the '520 patent.

WILLFULNESS

29. Prior to the filing of this complaint, or at least as of the date the initial complaint was filed, and certainly by the date of this first amended complaint, Dropbox knew or should have known that it infringed the '520 patent.

30. For example, at the time of commencement of this action, Dropbox was on the eve of trial in a multi-year litigation against Motion Offense on a family of patents related to the '520 patent. Through depositions of Motion Offense, Mr. Morris, and other individuals involved with prosecution of the family of patents, Dropbox knew that Motion Offense was engaged in ongoing prosecution of patents in the same family.

31. Specifically, Dropbox either knew or should have known of the application that resulted in the '520 patent, including its prosecution history and allowance. For example, Dropbox knew or should have known that the '520 patent included claims that were substantially similar to those being asserted at trial, and that Motion Offense's infringement theories would be

substantially similar to those being litigated at trial. At minimum, Dropbox willfully blinded itself to its infringement of the '520 patent.

32. Dropbox has therefore proceeded to infringe the '520 patent with full and complete knowledge of its applicability to the Accused Instrumentalities.

33. Dropbox's infringement of the '520 patent therefore occurs with knowledge of infringement, objective recklessness, and/or willful blindness, and has been and continues to be willful and deliberate. Thus, Dropbox's infringement of the '520 patent is willful and deliberate, entitling Motion Offense to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '520 patent;
- B. An award to Plaintiff of damages in an amount to be proven at trial, but in no event less than a reasonable royalty for Defendant's infringement, including pre-judgment and post-judgment interest, costs, expenses, and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. An award to Plaintiff of enhanced damages and reasonable attorneys' fees as appropriate against Defendant to Motion Offense as provided by 35 U.S.C. §§ 284 and 285;
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: July 26, 2023

/s/ Timothy Devlin

Timothy Devlin

Derek Dahlgren (*pro hac vice* to be filed)

Srikant Cheruvu (*pro hac vice* to be filed)

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