

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEC IP, LLC,

Plaintiff,

v.

AMAZON.COM, INC. and
AMAZON WEB SERVICES, LLC,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff STEC IP, LLC (“STEC”) makes the following allegations against Defendants Amazon Web Services, LLC and Amazon.com, Inc. (collectively “Amazon”):

PARTIES

1. Plaintiff STEC IP, LLC is a Delaware limited liability company having a principal place of business at 2 Terrace Way, Suite C, Greensboro, North Carolina 27403.
2. On information and belief, Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business at 10 Terry Avenue North, Seattle, Washington 98109. On information and belief, Amazon.com, Inc. may be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.
3. On information and belief, Defendant Amazon Web Services, LLC is a Delaware limited liability company with its principal place of business at 10 Terry Avenue North, Seattle, Washington 98109. On information and belief, Amazon Web Services, LLC may be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400,

Wilmington, Delaware 19808. On information and belief, Defendant Amazon Web Services, LLC is a wholly owned subsidiary of Defendant Amazon.com, Inc.

JURISDICTION AND VENUE

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

5. On information and belief, Amazon is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due to having availed itself of the rights and benefits of Delaware by incorporating under Delaware law and due to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this Judicial District.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Amazon is incorporated in this district, and on information and belief, has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,596,784**

7. Plaintiff STEC realleges and incorporates by reference paragraphs 1-6 above, as if fully set forth herein.

8. Plaintiff STEC is the owner by assignment of United States Patent No. 7,596,784 (“the ’784 patent”) titled “Method System and Apparatus for Providing Pay-Per-Use Distributed Computing Resources.” The ’784 patent was duly and legally issued by the United States Patent and Trademark Office on September 29, 2009. STEC is the owner by assignment from

Symantec Corporation of the '784 patent. A true and correct copy of the '784 patent is included as Exhibit A.

9. Amazon makes, uses, sells, and offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Amazon's cloud computing products and/or services that provide or support pay-per-use cloud computing.

10. On information and belief, Amazon has infringed and continues to infringe the '784 patent by, among other things, making, using, offering for sale, and/or selling pay-per-use cloud computing products and/or services patented under the '784 patent. Such pay-per-use cloud computing products and/or services include, by way of example and without limitation, use of Amazon's Elastic Compute Cloud, which is covered by one or more claims of the '784 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling pay-per-use cloud computing products and/or services patented under the '784 patent, Amazon has injured STEC and is liable to STEC for infringement of the '784 patent pursuant to 35 U.S.C. § 271.

11. As a result of Amazon's infringement of the '784 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,065,637

12. Plaintiff STEC realleges and incorporates by reference paragraphs 1-11 above, as if fully set forth herein.

13. Plaintiff STEC is the owner by assignment of United States Patent No. 7,065,637 ("the '637 patent") titled "System for Configuration of Dynamic Computing Environments

Using a Visual Interface.” The ’637 patent was duly and legally issued by the United States Patent and Trademark Office on June 20, 2006. STEC is the owner by assignment from Symantec Corporation of the ’637 patent. A true and correct copy of the ’637 patent is included as Exhibit B.

14. Amazon makes, uses, sells, and offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Amazon’s cloud computing products and/or services provide or support use of a visual interface to configure cloud computing resources.

15. On information and belief, Amazon has infringed and continues to infringe the ’637 patent by, among other things, making, using, offering for sale, and/or selling cloud computing products and/or services covered by one or more claims of the ’637 patent. Such cloud computing products and/or services include, by way of example and without limitation, cloud computing products and/or services configurable through Amazon Elastic Compute Cloud, which are covered by one or more claims of the ’637 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and services covered by one or more claims of the ’637 patent, Amazon has injured STEC and is liable to STEC for infringement of the ’637 patent pursuant to 35 U.S.C. § 271.

16. As a result of Amazon’s infringement of the ’637 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,738,799

17. Plaintiff STEC realleges and incorporates by reference paragraphs 1-16 above, as if fully set forth herein.

18. Plaintiff STEC is the owner by assignment of United States Patent No. 6,738,799 (“the ’799 patent”) titled “Methods and Apparatuses for File Synchronization and Updating Using a Signature List.” The ’799 patent was duly and legally issued by the United States Patent and Trademark Office on May 18, 2004. STEC is the owner by assignment from Symantec Corporation of the ’799 patent. A true and correct copy of the ’799 patent is included as Exhibit C.

19. Amazon makes, uses, sells, offers for sale, and/or imports into the United States products and/or services that provide or support synchronization of files. On information and belief, at least some of such products and/or services perform synchronization of files between networked computers by providing updates.

20. On information and belief, Amazon has infringed and continues to infringe the ’799 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services into the United States that are covered by one or more claims of the ’799 patent. Such products and/or services include, by way of example and without limitation, Amazon’s WhisperSync, the use of which is covered by one or more claims of the ’799 patent, including but not limited to claim 37. By making, using, offering for sale, selling and/or importing into the United States such products and/or service that are covered by one or more claims of the ’799 patent, Amazon has injured STEC and is liable to STEC for infringement of the ’799 patent pursuant to 35 U.S.C. § 271.

21. As a result of Amazon's infringement of the '799 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 5,944,839

22. Plaintiff STEC realleges and incorporates by reference paragraphs 1-21 above, as if fully set forth herein.

23. Plaintiff STEC is the owner by assignment of United States Patent No. 5,944,839 ("the '839 patent") titled "System and Method for Automatically Maintaining A Computer System." The '839 patent was duly and legally issued by the United States Patent and Trademark Office on August 31, 1999. STEC is the owner by assignment from Symantec Corporation of the '839 patent. A true and correct copy of the '839 patent is included as Exhibit D.

24. Amazon makes, uses, sells, offers for sale, and/or imports in the United States products and/or services for cloud computing. On information and belief, at least some of Amazon's products and/or services that provide or support performing health checks and elastic load balancing.

25. On information and belief, Amazon has infringed and continues to infringe the '839 patent by, among other things, making, importing, using, offering for sale, and/or selling products and/or services covered by one or more claims of the '839 patent. Such products and/or services include, by way of example and without limitation, Amazon Electronic Cloud Compute, the use of which is covered by one or more claims of the '839 patent, including but not limited to claim 6. By making, using, offering for sale, and/or selling such products and/or services

covered by one or more claims of the '839 patent, Amazon has injured STEC and is liable to STEC for infringement of the '839 patent pursuant to 35 U.S.C. § 271.

26. As a result of Amazon's infringement of the '839 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 5,825,891

27. Plaintiff STEC realleges and incorporates by reference paragraphs 1-26 above, as if fully set forth herein.

28. Plaintiff STEC is the owner by assignment of United States Patent No. 5,825,891 ("the '891 patent") titled "Key Management for Network Communication." The '891 patent was duly and legally issued by the United States Patent and Trademark Office on October 20, 1998. STEC is the owner by assignment from Symantec Corporation of the '891 patent. A true and correct copy of the '891 patent is included as Exhibit E.

29. Amazon makes, uses, sells and/or offers for sale in the United States products and/or services that provide for or support establishing virtual private network ("VPN") tunnels.

30. On information and belief, Amazon has infringed and continues to infringe the '891 patent by, among other things, using methods covered by one or more claims of the '891 patent. Such methods include, by way of example and without limitation, use of Amazon Virtual Private Cloud, which is covered by one or more claims of the '891 patent, including but not limited to claim 1. By using such methods covered by one or more claims of the '891 patent, Amazon has injured STEC and is liable to STEC for infringement of the '891 patent pursuant to 35 U.S.C. § 271.

31. As a result of Amazon's infringement of the '891 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 5,495,607

32. Plaintiff STEC realleges and incorporates by reference paragraphs 1-31 above, as if fully set forth herein.

33. Plaintiff STEC is the owner by assignment of United States Patent No. 5,495,607 ("the '607 patent") titled "Network Management System Having Virtual Catalog Overview of Files Distributively Stored Across Network Domain." The '607 patent was duly and legally issued by the United States Patent and Trademark Office on February 27, 1996. STEC is the owner by assignment from Symantec Corporation of the '607 patent. A true and correct copy of the '607 patent is included as Exhibit F.

34. Amazon operates one or more server farms (comprising, *inter alia*, servers and computers on a network) that are located in data centers in the United States. On information and belief, Amazon's one or more server farms provide and support cloud computing services, including at least Amazon Elastic Compute Cloud service. On information and belief, Amazon makes and/or uses a system for monitoring the health of at least some of Amazon's servers and computers over a network in its data centers.

35. On information and belief, Amazon has infringed and continues to infringe the '607 patent by, among other things, making, using, offering for sale, and/or selling systems, and products and/or services related thereto, covered by one or more claims of the '607 patent. Such systems include, by way of example and without limitation, a system made and/or used by

Amazon to monitor the health of servers and computers running Amazon Elastic Computer Cloud service, which is covered by one or more claims of the '607 patent, including but not limited to claim 9. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the '607 patent, Amazon has injured STEC and is liable to STEC for infringement of the '607 patent pursuant to 35 U.S.C. § 271.

36. As a result of Amazon's infringement of the '607 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 6,925,481

37. Plaintiff STEC realleges and incorporates by reference paragraphs 1-36 above, as if fully set forth herein.

38. Plaintiff STEC is the owner by assignment of United States Patent No. 6,925,481 ("the '481 patent") titled "Technique for Enabling Remote Data Access And Manipulation From A Pervasive Device." The '481 patent was duly and legally issued by the United States Patent and Trademark Office on August 2, 2005. STEC is the owner by assignment from Symantec Corporation of the '481 patent. A true and correct copy of the '481 patent is included as Exhibit G.

39. Amazon makes, uses, sells, offers for sale, and/or imports products and/or services in the United States that provide or support remote data access by a mobile device, such as Amazon Cloud Drive and Kindle Store.

40. On information and belief, Amazon has infringed and continues to infringe the '481 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services that are covered by one or more claims of the '481 patent. Such products and/or services include, by way of example and without limitation, Amazon Cloud Drive and Kindle Store, which are covered by one or more claims of the '481 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the '481 patent, Amazon has injured STEC and is liable to STEC for infringement of the '481 patent pursuant to 35 U.S.C. § 271.

41. As a result of Amazon's infringement of the '481 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 7,254,621

42. Plaintiff STEC realleges and incorporates by reference paragraphs 1-41 above, as if fully set forth herein.

43. Plaintiff STEC is the owner by assignment of United States Patent No. 7,254,621 ("the '621 patent") titled "Technique for Enabling Remote Data Access And Manipulation From A Pervasive Device." The '621 patent was duly and legally issued by the United States Patent and Trademark Office on August 7, 2007. STEC is the owner by assignment from Symantec Corporation of the '621 patent. A true and correct copy of the '621 patent is included as Exhibit H.

44. Amazon makes, uses, sells, offers for sale, and/or imports products and/or services in the United States that provide or support remote data access by a mobile device, such as Amazon Cloud Drive and Kindle Store.

45. On information and belief, Amazon has infringed and continues to infringe the '621 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services that are covered by one or more claims of the '621 patent. Such products and/or services include, by way of example and without limitation, Amazon Cloud Drive and Amazon Kindle Store, which are covered by one or more claims of the '621 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the '621 patent, Amazon has injured STEC and is liable to STEC for infringement of the '621 patent pursuant to 35 U.S.C. § 271.

46. As a result of Amazon's infringement of the '621 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT IX
INFRINGEMENT OF U.S. PATENT NO. 6,631,449

47. Plaintiff STEC realleges and incorporates by reference paragraphs 1-46 above, as if fully set forth herein.

48. Plaintiff STEC is the owner by assignment of United States Patent No. 6,631,449 ("the '449 patent") titled "Dynamic Distributed Data System and Method." The '449 patent was duly and legally issued by the United States Patent and Trademark Office on October 7, 2003. STEC is the owner by assignment from Symantec Corporation of the '449 patent. A true and correct copy of the '449 patent is included as Exhibit I.

49. Amazon makes, uses, sells, and offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Amazon's cloud computing products and/or services, such as Amazon Elastic Compute Cloud, are provided by servers using server-to-server communication and/or a gossip protocol.

50. On information and belief, Amazon has infringed and continues to infringe the '449 patent by, among other things, making, using, offering for sale, and/or selling cloud computing products and/or services patented under the '449 patent. Such cloud computing products and/or services include, by way of example and without limitation, use of Amazon's Elastic Compute Cloud, which is covered by one or more claims of the '449 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling cloud computing products and/or services patented under the '449 patent, Amazon has injured STEC and is liable to STEC for infringement of the '449 patent pursuant to 35 U.S.C. § 271.

51. As a result of Amazon's infringement of the '449 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT X
INFRINGEMENT OF U.S. PATENT NO. 6,918,014

52. Plaintiff STEC realleges and incorporates by reference paragraphs 1-51 above, as if fully set forth herein.

53. Plaintiff STEC is the owner by assignment of United States Patent No. 6,918,014 ("the '014 patent") titled "Dynamic Distributed Data System and Method." The '014 patent was duly and legally issued by the United States Patent and Trademark Office on July 12, 2005.

STEC is the owner by assignment from Symantec Corporation of the '014 patent. A true and correct copy of the '014 patent is included as Exhibit J.

54. Amazon makes, uses, sells, and offers for sale in the United States products and/or services for cloud computing. On information and belief, at least some of Amazon's cloud computing products and/or services, such as Amazon Elastic Compute Cloud, are provided by servers using server-to-server communication and/or a gossip protocol.

55. On information and belief, Amazon has infringed and continues to infringe the '014 patent by, among other things, making, using, offering for sale, and/or selling cloud computing products and/or services patented under the '014 patent. Such cloud computing products and/or services include, by way of example and without limitation, use of Amazon's Elastic Compute Cloud, which is covered by one or more claims of the '014 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling cloud computing products and/or services patented under the '014 patent, Amazon has injured STEC and is liable to STEC for infringement of the '014 patent pursuant to 35 U.S.C. § 271.

56. As a result of Amazon's infringement of the '014 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon's infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

COUNT XI
INFRINGEMENT OF U.S. PATENT NO. 6,963,908

57. Plaintiff STEC realleges and incorporates by reference paragraphs 1-56 above, as if fully set forth herein.

58. Plaintiff STEC is the owner by assignment of United States Patent No. 6,963,908 ("the '908 patent") titled "System for Transferring Customized Hardware and Software Settings

from One Computer to Another Computer to Provide Personalized Operating Environments.” The ’908 patent was duly and legally issued by the United States Patent and Trademark Office on November 8, 2005. STEC is the owner by assignment from Symantec Corporation of the ’908 patent. A true and correct copy of the ’908 patent is included as Exhibit K.

59. Amazon makes, uses, sells, offers for sale, and/or imports products and/or services in the United States that provide or support remote data access by a mobile device, such as Amazon Cloud Drive.

60. On information and belief, Amazon has infringed and continues to infringe the ’908 patent by, among other things, making, using, offering for sale, selling and/or importing products and/or services that are covered by one or more claims of the ’908 patent. Such products and/or services include, by way of example and without limitation, Amazon Cloud Drive, the use of which is covered by one or more claims of the ’908 patent, including but not limited to claim 1. By making, using, offering for sale, and/or selling such products and/or services covered by one or more claims of the ’908 patent, Amazon has injured STEC and is liable to STEC for infringement of the ’908 patent pursuant to 35 U.S.C. § 271.

61. As a result of Amazon’s infringement of the ’908 patent, Plaintiff STEC has suffered monetary damages in an amount adequate to compensate for Amazon’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Amazon, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff STEC respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Amazon has infringed, either literally and/or under the doctrine of equivalents, the ’784 patent, the ’637 patent, the ’799 patent, the ’839

patent, the '891 patent, the '607 patent, the '481 patent, the '621 patent, the '449 patent, the '014 patent and the '908 patent;

2. A judgment and order requiring Amazon to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest as provided under 35 U.S.C. § 284 for Defendants' infringement of the '784 patent, the '637 patent, the '799 patent, the '839 patent, the '891 patent, the '607 patent, the '481 patent, the '621 patent, the '449 patent, the '014 patent and the '908 patent; and

3. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Date: May 22, 2012

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