UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SimpliVity Corporation,

                    Plaintiff,

          v.

Springpath, Inc.,

                    Defendant.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SimpliVity Corporation ("SimpliVity") alleges against Defendant Springpath, Inc. ("Springpath") as follows:

1.   This is an action brought by SimpliVity, one of the fastest growing and innovative companies in the data infrastructure industry, against Springpath, a competitor who is infringing upon SimpliVity's patented technology to compete unfairly in the marketplace. SimpliVity seeks a finding of patent infringement by Springpath, as well as relief from that infringement.

JURISDICTION

2.   This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq*. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3.   This Court has personal jurisdiction over Springpath at least because it sells and/or offers to sell its infringing products nationwide, including in Massachusetts. Springpath's Vice President of Sales is located in the Boston, Massachusetts area. Springpath targets customers in this forum expressly. For example, Springpath is promoting its participation in the upcoming VMUG Boston conference.

4.   Springpath has established minimum contacts with this forum such that the exercise of jurisdiction over Springpath would not offend traditional notions of fair play and substantial justice.

VENUE

5.   Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 28 U.S.C. § 1400(b) because Springpath is subject to personal jurisdiction in this district.

PARTIES

6.   Plaintiff SimpliVity is a Delaware corporation with its principal place of business located at 8 Technology Drive in Westborough, Massachusetts.

7.   SimpliVity was founded in 2009. Its founders spent 43 months developing SimpliVity's hyperconvergence technology.

8.   SimpliVity is a leader in the converged IT infrastructure and software defined data center markets of the information technology and services industry. SimpliVity's products are aimed at simplifying IT for businesses by converging a number of functionalities of numerous disparate products, including server, storage, IT protection and management, into "all-in-one" products.

9.   SimpliVity sells its products to small, medium, and large for-profit and non-profit civilian and government entities all over the world.

10.   SimpliVity's products have achieved broad market acceptance due in large part to their technical superiority to competing offerings.

11.   SimpliVity has 35 granted patents and 61 pending patent applications worldwide.

12.   Defendant Springpath, Inc. is a Delaware corporation with its principal place of business located at 640 W. California Avenue Suite 110 in Sunnyvale, California. Springpath makes, uses, sells, and offers to sell infringing technology, including, for example, its Data Platform and

related software and hardware offerings, to develop and operate computer systems that store and retrieve various kinds of data and converge functionalities of disparate products.

13.   Springpath has deliberately investigated SimpliVity products and has developed products that closely match functionality developed by SimpliVity.

THE PATENT-IN-SUIT

14.   U.S. Patent No. 8,748,799 ("the '799 patent") entitled "Namespace File System Accessing an Object Store," was duly and legally issued to SimpliVity on July 2, 2013. A true and correct copy of the '799 patent is attached as Exhibit A

15.   SimpliVity is the sole holder of all right, title, and interest in the '799 patent, including all rights to obtain equitable relief or damages for past or present infringement, all rights to prevent others from making, having made, using, offering for sale, or selling products or services covered by such patents, and all rights to enforce the '799 patent with respect to Springpath.

16.   Claim 1 of the '799 patent reads as follows:

> A computer file system for naming and storing of files on one or more computer storage devices, the system comprising:
>
> a namespace file system accessing an object store, the system including a memory and a hardware processor in communication with the memory, the processor for executing program instructions for accessing the object store using object fingerprints, the object store holding files, data and metadata as objects, each object having a globally unique object fingerprint derived from the content of the object and used to access the object store, wherein:
>
> each file object comprising a mapping of object fingerprints for the data objects or metadata objects of the file and the file object having its own object fingerprint derived from the fingerprints of the objects in the file, and wherein the object store further includes:
>
> an inode map object comprising a mapping of file system inode numbers and object fingerprints enabling the inode numbers to stay constant while the object fingerprints change as the file content changes; and
>
> directory objects, each directory object comprising a mapping of inode numbers and file names;

wherein each of the inode map object and directory object has its own
object fingerprint derived from the content of the respective object.

FIRST CAUSE OF ACTION
(Infringement of the '799 Patent)

17.   SimpliVity realleges and incorporates by reference the preceding paragraphs of this

Complaint as if fully set forth herein.

18.   On information and belief, Springpath directly infringes one or more of the claims of the

'799 patent by, without authorization, making, using, selling, offering to sell, and/or importing

into the United States infringing products, including without limitation Springpath's Data

Platform.

19.   On information and belief, Springpath has knowledge of the '799 patent. Since having

knowledge of the '799 patent, Springpath has indirectly infringed the '799 patent by actively

inducing infringement by others, and/or contributing to the infringement of one or more of the

claims of the '799 patent in violation of 35 U.S.C. §§ 271(b)-(c), including at least by selling,

offering to sell, and/or providing infringing products or components with no substantial non-

infringing use to end-users, resellers, and/or customers, along with user guides and product

documentation that instruct end-users, resellers, and customers to use Springpath products in an

infringing manner.

20.   Springpath end-users, resellers, and/or customers directly infringe the '799 patent by

using the accused products in violation of 35 U.S.C. § 271(a).

21.   On information and belief, Springpath's active inducement of infringement and/or

contributory infringement has occurred with the specific intent of encouraging others to infringe,

or with willful blindness to the fact that their actions would induce infringement of the '799

patent, as demonstrated by, for example, providing specifications and instructions for the

installation and operation of the accused products, including uses that infringe one or more claims of the '799 patent.

22.   SimpliVity has suffered damages as a result of the infringement of the '799 patent by Springpath, and will suffer additional damages as a result of its continuing infringement. Springpath is therefore liable to SimpliVity under 35 U.S.C. § 284 for past damages in an amount that adequately compensates SimpliVity for Springpath's infringement, but no less than a reasonable royalty.

23.   For ongoing and future infringement, SimpliVity will continue to suffer irreparable harm unless this Court permanently enjoins Springpath, its agents, employees, representatives, and all others acting in concert with it from infringing the '799 patent. In the alternative, SimpliVity is entitled to damages in lieu of an injunction, in an amount consistent with the fact that, for future infringement, Springpath will be adjudicated infringers of a valid patent, and thus Springpath's future infringement will be willful as a matter of law.

PRAYER FOR RELIEF

WHEREFORE, SimpliVity respectfully requests the following relief:

a)   That this Court adjudge and decree that Springpath has been, and is currently, infringing the '799 patent;

b)   That this Court award damages to SimpliVity to compensate it for each of the unlawful actions set forth in SimpliVity's Complaint, including damages for Springpath's past infringement of the '799 patent and lost profits or at a minimum, a running royalty, for Springpath's ongoing infringement of the '799 patent;

c)   That this Court award pre- and post-judgment interest on such damages to SimpliVity;

d)   That this Court order an accounting of damages incurred by SimpliVity between the close of fact discovery and the entry of a final, non-appealable judgment;

e)   That this Court determine that this patent infringement case is exceptional pursuant to 35 U.S.C. §§ 284 and 285 and award SimpliVity its costs and attorneys' fees incurred in this action;

f)   That this Court preliminarily and permanently enjoin Springpath from infringing the '799 patent;

g)   That this Court order Springpath to:

        (i)   recall and collect from all persons and entities that have purchased any and all products found to infringe the '799 patent that were made, offered for sale, sold, or otherwise distributed in the United States by Springpath or anyone acting on its behalf;

        (ii)   destroy or deliver all such infringing products to SimpliVity;

        (iii)   revoke all licenses to all such infringing products;

        (iv)   disable all web pages offering or advertising all such infringing products;

        (v)   destroy all other marketing materials relating to all such infringing products; and

        (vi)   destroy all infringing software that exists on hosted systems.

h)   That this Court, if it declines to enjoin Springpath from infringing the '799 patent, award damages for future infringement in lieu of an injunction; and

i)   That this Court award such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

SimpliVity respectfully requests a trial by jury on all issues triable thereby.

September 11, 2015

Respectfully submitted,

/s/ Michael N. Sheetz

Michael N. Sheetz (#548776)
Adam Gershenson (#671296)
COOLEY LLP
500 Boylston Street
Boston, MA 02116-3736
(617) 937-2300
msheetz@cooley.com
agershenson@cooley.com

ATTORNEYS FOR PLAINTIFF SIMPLIVITY CORPORATION

Wayne Stacy (Motion for Admission to Appear *Pro Hac Vice* to be filed)
Sarah J. Guske (Motion for Admission to Appear *Pro Hac Vice* to be filed)
COOLEY LLP
380 Interlocken Crescent, Suite 900
Broomfield, CO 80021-8023
(720)-566-4000
wstacy@cooley.com
sguske@cooley.com

-8-

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 11, 2015.

/s/ Michael N. Sheetz